

ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

SIXTEENTH CONGRESS—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

SIXTEENTH CONGRESS—FIRST SESSION:
COMPRISING THE PERIOD FROM DECEMBER 6, 1819, TO MAY 15, 1820,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

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1855.

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE SIXTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 6, 1819.

MONDAY, December 6, 1819.

The first session of the Sixteenth Congress, conformably to the Constitution of the United States, commenced this day at the City of Washington, and the Senate assembled.

PRESENT:

DAVID L. MORRIL and JOHN F. PARROTT, from New Hampshire.

PRENTISS MELLEN and HARRISON GRAY OTIS, from Massachusetts.

JAMES BURRILL, junior, and WILLIAM HUNTER, from Rhode Island, and Providence Plantations.

ISAAC TICHENOR and WILLIAM A. PALMER, from Vermont.

SAMUEL W. DANA and JAMES LANMAN, from Connecticut.

NATHAN SANFORD, from New York.

MAHLON DICKERSON and JAMES J. WILSON, from New Jersey.

JONATHAN ROBERTS and WALTER LOWRIE, from Pennsylvania.

OUTERBRIDGE HORSEY and NICHOLAS VAN DYKE, from Delaware.

JAMES BARBOUR, from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD and WILLIAM SMITH, from South Carolina.

JOHN ELLIOTT, from Georgia.

WILLIAM LOGAN, from Kentucky.

JOHN WILLIAMS and JOHN HENRY EATON, from Tennessee.

BENJAMIN RUGGLES and WILLIAM A. TRIMBLE, from Ohio.

JAMES BROWN, from Louisiana.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

WALTER LEAKE and THOMAS H. WILLIAMS, from Mississippi.

NINIAN EDWARDS and JESSE B. THOMAS, from Illinois.

JAMES BARBOUR, President *pro tempore*, resumed the Chair.

JAMES LANMAN, appointed a Senator by the Legislature of the State of Connecticut, for the term of six years, commencing on the fourth day

of March last; NATHANIEL MACON, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last; JOHN HENRY EATON, appointed a Senator by the Legislature of the State of Tennessee, for the term of two years, in place of GEORGE W. CAMPBELL, resigned; JOHN ELLIOTT, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, commencing on the fourth day of March last; WILLIAM A. TRIMBLE, appointed a Senator by the Legislature of the State of Ohio, for the term of six years, commencing on the fourth day of March last; JAMES BROWN, appointed a Senator by the Legislature of the State of Louisiana, for the term of six years, commencing on the fourth day of March last; and NINIAN EDWARDS, appointed a Senator by the Legislature of the State of Illinois, for the term of six years, commencing on the fourth day of March last; respectively produced their credentials, were qualified, and took their seats in the Senate.

The oath was also administered to Mr. PALMER, Mr. GAILLARD, Mr. PARROTT, Mr. LOWRIE, and Mr. TAYLOR; their credentials having been filed during the last session.

WILLIAM LOGAN, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the fourth day of March last, stated that he had neglected bringing his credentials with him, expecting they would be forwarded to the Senate by the proper authority of the State, and which he still supposed would speedily be done; whereupon the oath prescribed by law was administered to him, and he took his seat in the Senate.

A quorum being present, and the House of Representatives being advised thereof, the Senate proceeded to business.

The usual resolutions respecting furnishing members with newspapers, &c. were adopted.

A resolution was also passed for the appointment of a Chaplain to the Senate, to interchange weekly with the Chaplain for the House of Representatives.

A Committee of Enrolled Bills was ordered to

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be appointed, and Mr. WILSON was chosen the committee on the part of the Senate.

A Committee of Accounts was appointed, consisting of Messrs. ROBERTS, BURRILL, and LEAKE.

A Committee on Engrossed Bills was appointed, consisting of Messrs. MELLEN, DICKERSON, and ELLIOTT.

The PRESIDENT laid before the Senate a copy of the constitution of government formed by the people of the State of Alabama, which was referred to a committee, consisting of Messrs. WILLIAMS, of Mississippi, BROWN, and MACON, to consider and report thereon.

On motion of Mr. SANFORD,

Resolved, That the members of the Senate wear the usual mourning for thirty days, as a mark of respect to the memory of the honorable ALEXANDER C. HANSON, a Senator from Maryland, who has deceased since the last session.

On motion of Mr. HORSEY,

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms of the Senate, be, and he hereby is, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate, which expense shall be paid out of the contingent fund.

Mr. DICKERSON submitted the following motion for consideration, which was read:

Resolved, That a committee of three members be appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books and maps for the use of the two Houses of Congress.

Ordered, That it pass to the second reading.

On motion of Mr. BURRILL,

Resolved, That the standing committees to be appointed by the Senate consist of five members each, and that they have leave to report by bill or otherwise.

Whereupon, on motion of Mr. MELLEN,

Resolved, That the Senate will, on Thursday next, at 12 o'clock, proceed to the appointment of the standing committees of this House.

And, after appointing a committee on their part to wait on the President and inform him that the Senate were ready to receive any communication he might have to make, the Senate adjourned.

TUESDAY, DECEMBER 7.

Mr. BURRILL reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day.

Mr. WILSON gave notice, that, to-morrow, he should ask leave to bring in a bill authorizing the transmitting certain documents free of postage.

The resolution for the appointment of a joint Library Committee was read the second time, and considered as in Committee of the Whole, and, no amendment having been made, it was reported to the House, and ordered to be engrossed and read the third time.

PRESIDENT'S MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate,
and of the House of Representatives:*

The public buildings being advanced to a stage to afford accommodation for Congress, I offer you my sincere congratulations on the recommencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention, which have occurred since your last session, I regret to have to state, that several of our principal cities have suffered by sickness; that an unusual drought has prevailed in the Middle and Western States; and that a derangement has been felt in some of our moneyed institutions, which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus, for the supply of the wants of other nations; and that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested, and the good sense and virtue of our fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity, settlement, and limits, had been concluded, in this city, between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty, with equal promptitude, and a like earnest desire to terminate, on the conditions of that treaty, the differences which had so long existed between the two countries. Every view, which the subject admitted of, was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States, from Spanish cruisers, more than twenty years before, which had not been redressed. These losses had been acknowledged and provided for by a treaty, as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the Government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen, in this long interval, affecting their highest interests, which were likewise provided for, by this last treaty. The treaty itself was formed on great consideration, and a thorough knowledge of all circumstances, the subject-matter of every article having been for years under discussion, and repeated references having been made, by the Minister of Spain, to his Government, on the points respecting which the greatest difference of opinion prevailed. It was formed by a Minister duly authorized for the purpose, who had represented his Government in the United States, and been employed, in this long protracted negotiation, several years; and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification.

On the part of the United States, this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses, so long before sustained, and now again acknowledged and provided for, was to be paid by them, without be-

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coming a charge on the treasury of Spain. For territory ceded by Spain, other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was, nevertheless, received, as the means of indemnifying our citizens, in a considerable sum, the presumed amount of their losses. Other considerations, of great weight, urged the cession of this territory by Spain. It was surrounded by the territories of the United States, on every side, except on that of the ocean. Spain had lost her authority over it, and, falling into the hands of adventurers connected with the savages, it was made the means of unceasing annoyance and injury to our Union, in many of its most essential interests. By this cession, then, Spain ceded a territory, in reality, of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with the United States, affecting their respective claims and limits, and likewise relieved herself from the obligation of a treaty, relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights, where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state, that this reasonable expectation has been disappointed; that the treaty was not ratified within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances, in my possession, relating to it.

Anxious to prevent all future disagreement with Spain, by giving the most prompt effect to the treaty, which had been thus concluded, and, particularly, by the establishment of a government in Florida, which should preserve order there, the Minister of the United States, who had been recently appointed to His Catholic Majesty, and to whom the ratification, by his Government, had been committed, to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State, as soon as obtained, by a public ship, subjected to his order for the purpose. Unexpected delay occurring in the ratification, by Spain, he requested to be informed of the cause. It was stated, in reply, that the great importance of the subject, and a desire to obtain explanations on certain points, which were not specified, had produced the delay, and that an Envoy would be despatched to the United States, to obtain such explanations of this Government. The Minister of the United States offered to give full explanation on any point on which it might be desired; which proposal was declined. Having communicated this result to the Department of State, in August last, he was instructed, notwithstanding the disappointment and surprise which it produced, to inform the Government of Spain, that, if the treaty should be ratified, and transmitted here, at any time before the meeting of Congress, it would be received, and have the same effect as if it had been ratified in due time. This order was executed; the authorized communication was made to the Government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the

ratification of the treaty, by His Catholic Majesty. It is alleged by the Minister of Spain, that this Government had attempted to alter one of the principal articles of the treaty, by a declaration, which the Minister of the United States had been ordered to present when he should deliver the ratification by his Government, in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this Government had recently tolerated or protected an expedition from the United States, against the province of Texas. These two imputed acts are stated as the reasons which have induced His Catholic Majesty to withhold his ratification from the treaty, to obtain explanations, respecting which, it is repeated, that an Envoy would be forthwith despatched to the United States. How far these allegations will justify the conduct of the Government of Spain, will appear, on a view of the following facts, and the evidence which supports them.

It will be seen, by the documents transmitted herewith, that the declaration mentioned relates to a clause in the eighth article, concerning certain grants of land, recently made by His Catholic Majesty in Florida, which, it was understood, had conveyed all the lands, which, till then, had been ungranted. It was the intention of the parties to annul these latter grants, and that clause was drawn for that express purpose, and for none other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article. Indeed, it must be obvious to all, that, if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded, and ratified by this Government, an intimation was received that these grants were of anterior date to that fixed on by the treaty, and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties, and the meaning of the article, induced this Government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this Government had tolerated or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to any such attempt from within the limits of the United States, as is fully evinced by the acts of the Government, and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last Summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the Government of Spain had no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions, is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set it aside, without the consent of the other, there would be no longer any rules applicable to such transactions between nations. By this proceeding, the Government of Spain has rendered to the United States a new and very serious injury. It has been stated that a Minister would be sent, to ask certain explanations of this Government. But if such were desired, why were

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they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time, and in what manner, would a new negotiation terminate? By this proceeding, Spain has formed a relation between the two countries which will justify any measures on the part of the United States, which a strong sense of injury, and a proper regard for the rights and interests of the nation may dictate. In the course to be pursued, these objects should be constantly held in view, and have their due weight. Our national honor must be maintained, and a new and a distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all, that, if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause for gratulation at the course which has been pursued by Spain. An ample field for ambition is opened before them. But such a career is not consistent with the principles of their Government, nor the interests of the nation.

From a full view of all circumstances, it is submitted to the consideration of Congress, whether it will not be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain; claiming, on their part, all its advantages, and yielding to Spain those secured to her. By pursuing this course we shall rest on the sacred ground of right, sanctioned, in the most solemn manner, by Spain herself, by a treaty which she was bound to ratify, for refusing to do which she must incur the censure of other nations, even those most friendly to her; while, by confining ourselves within that limit, we cannot fail to obtain their well merited approbation. We must have peace on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a Minister to the United States to ask explanations on certain points, and to give them respecting his delay to ratify the treaty. Shall we act, by taking the ceded territory, and proceeding to execute the other conditions of the treaty, before this Minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and the honor of this people. Much is due to courtesy between nations. By a short delay we shall lose nothing; for, resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed that the explanations which may be given to the Minister of Spain will be satisfactory, and produce the desired result. In any event, the delay, for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, cannot fail to be duly appreciated by His Catholic Majesty, as well as by other Powers. It is submitted, therefore, whether it will not be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operation upon

the responsibility of the Executive, in such manner as to afford an opportunity for such friendly explanations, as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty, and of the instructions to the Minister of the United States at Madrid respecting it; of his correspondence with the Minister of Spain, and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish Government have, on this occasion, thought proper to pursue, it is satisfactory to know that they have not been countenanced by any other European Power. On the contrary, the opinion and wishes, both of France and Great Britain, have not been withheld, either from the United States or from Spain; and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the imperial Government of Russia have been the same, and that they have also been made known to the Cabinet of Madrid.

In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have continued to be equally open to both parties, and on the same conditions; and our citizens have been equally restrained from interfering in favor of either to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili, and the provinces north of the La Plata, bordering on it, and likewise Venezuela.

This contest has, from its commencement, been very interesting to other Powers, and to none more so than to the United States. A virtuous people may, and will, confine themselves within the limit of strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors, without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this Government to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state that, so strong has been the sense throughout the whole community, of what was due to the character and obligations of the nation, that very few examples of a contrary kind have occurred.

The distance of the colonies from the parent country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period, it would be difficult for Spain to surmount. The steadiness, consistency, and success, with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments, on the part of the United States, have not been withheld from other Powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue these provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of friendly Powers, who have taken no part in the controversy, will have their merited influence.

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It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it, to compromise the interest or the honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws, with a view to this desirable result.

It is submitted, also, whether it may not be proper to designate, by law, the several ports or places along the coast, at which, only, foreign ships of war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce, and of other important interests from abuse, without such designation, furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention, between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon, mutually satisfactory to both countries, regulating, upon principles of justice and reciprocity, the commercial intercourse between the United States and the British possessions, as well in the West Indies, as upon the continent of North America. The Plenipotentiaries of the two Governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this Government the proposals which had been presented to them, as the ultimate offer on the part of the British Government, and which they were not authorized to accept. On their transmission here, they were examined with due deliberation, the result of which was a new effort to meet the views of the British Government. The Minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress, whether further prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen, with interest, that, although it has not been practicable, as yet, to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties, that each will view any regulations which the other may make respecting it, in the most friendly light.

By the 5th article of the convention, concluded on the 20th of October, 1818, it was stipulated that the difference which has arisen between the two Governments, with regard to the true intent and meaning of the 5th article of the Treaty of Ghent, in relation to the carrying away, by British officers, of slaves from the United States, after the exchange of the ratifications of the Treaty of Peace, should be referred to the decision of some friendly Sovereign or State, to be named for that purpose. The Minister of the United States has been instructed to name to the British Government a foreign Sovereign, the common friend to both parties, for the decision of this question. The answer of that Government to the proposal, when received, will indicate the further measures to be pursued on the part of the United States.

Although the pecuniary embarrassments which affected various parts of the Union, during the latter part of the preceding year, have, during the present, been considerably augmented, and still continue to exist, the receipts into the Treasury, to the 30th of September last, have amounted to \$19,000,000. After

defraying the current expenses of the Government, including the interest and reimbursement of the public debt, payable to that period, amounting to \$18,200,000, there remained in the Treasury, on that day, more than \$2,500,000, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the public receipts, could not fail to have a corresponding effect upon the revenue which has accrued upon imports and tonnage during the three first quarters of the present year; it is, however, ascertained that the duties, which have been secured during that period, exceed \$18,000,000, and those of the whole year will probably amount to \$23,000,000.

For the probable receipts of the next year, I refer you to the statements which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufactures, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation, have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency, which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction in the prices of the raw materials, and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid, which has been refused by the banks, has not been obtained from other sources, owing to the loss of individual confidence, from the frequent failures which have recently occurred in some of our principal commercial cities.

An additional cause for the depression of these establishments may probably be found in the pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted.

Their manufactures, for the want of a ready or profitable market at home, have been shipped by the manufacturers to the United States, and, in many instances, sold at a price below their current value at the place of manufacture. Although this practice may, from its nature, be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils which have been adverted to may be remedied, and how far it may be practicable, in other respects, to afford to them further encouragement, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast, for the establishment of fortifications, is now nearly completed, and considerable progress has been made in the collection of mate-

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rials for the construction of fortifications in the Gulf of Mexico and in the Chesapeake Bay. The works on the Eastern bank of the Potomac, below Alexandria, and on the Pea Patch in the Delaware, are much advanced, and it is expected that the fortifications at the Narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanence. The progress, hitherto, has therefore been slow; but, as the difficulties, in parts heretofore the least explored and known, are surmounted, it will in future be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next Spring, the engineers employed in it will proceed to examine, for like purposes, the northern and northwestern frontiers.

The troops, intended to occupy a station at the mouth of the St. Peter's, on the Mississippi, have established themselves there, and those who were ordered to the mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluff, where they will remain until the next Spring, when they will proceed to the place of their destination. I have the satisfaction to state, that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships-of-war, and in the collection of timber and other materials for ship-building. It is not doubted that our Navy will soon be augmented to the number, and placed, in all respects, on the footing provided for by law.

The board, consisting of engineers and naval officers, have not yet made their final report, of sites for two naval depots, as instructed, according to the resolutions of March 18th, and April 20th, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean; along the Southern Atlantic coast; in the Pacific and Indian ocean; it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that, if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn, our intercourse with the Powers bordering on that sea would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy, in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that, not to protect our commerce there, would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships to seize all vessels navigated under our flag, engaged in that trade, and to bring them in, to be proceeded against, in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gal-

lanty, in a brilliant exploit, in the late war, added to the renown of his country. His death is deplored as a national misfortune.

JAMES MONROE.

WASHINGTON, December 7, 1819..

The Message and accompanying documents were read, and three thousand copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, December 8.

Mr. SANFORD submitted the following motions for consideration:

Resolved, That so much of the Message of the President of the United States as concerns our relations with Spain, be referred to the Committee of Foreign Relations.

Resolved, That so much of the Message of the President of the United States as relates to finance, be referred to the Committee of Finance.

Resolved, That so much of the Message of the President of the United States as relates to manufactures, be referred to the Committee of Commerce and Manufactures.

Resolved, That so much of the Message of the President of the United States as relates to violations of our neutrality, be referred to the Committee on the Judiciary.

Resolved, That so much of the Message of the President of the United States as relates to the designation of particular ports for the admission of foreign ships-of-war and privateers, be referred to the Committee of Commerce and Manufactures.

Resolved, That so much of the Message of the President of the United States as relates to commercial intercourse between the United States and the British possessions in the West Indies and in North America, be referred to the Committee of Foreign Relations.

Mr. WILSON obtained leave to bring in a bill authorizing the transmission of certain documents free of postage, and the bill was twice read, by unanimous consent, and considered as in Committee of the Whole; and, having been amended, it was reported to the House, and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

Mr. MELLEN presented the memorial of the Convention of the District of Maine, praying to be admitted into the Union, as a separate and independent State, on the footing of an original State, together with the constitution formed in convention for the State of Maine; which were severally read, and respectively referred to the committee appointed on the 6th instant, to inquire whether any, and, if any, what, legislative measures may be necessary for admitting the State of Alabama into the Union, to consider and report thereon, by bill or otherwise.

Mr. WILLIAMS, of Mississippi, from the committee appointed to inquire whether any, and, if any, what legislative measures may be necessary for admitting the State of Alabama into the Union, reported a resolution declaring the admission of the State of Alabama into the Union; and the resolution was twice read by unanimous consent, and, no amendment having been made, it was reported to

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the House, and ordered to be engrossed and read a third time. It was read a third time by unanimous consent, and passed.

The resolution for the appointment of a joint committee on the arrangements for the library of Congress was read a third time, and passed.

Mr. DANA presented the petition of William Van Duersen and George Wolcott, surveyors of the revenue for different districts in the State of Connecticut, praying an increase of compensation for their services, for reasons stated in the petition, which was read.

Mr. BURRILL gave notice that, to-morrow, he should ask leave to bring in a bill for the relief of Samuel Ward.

Mr. HUNTER gave notice that, to-morrow, he should ask leave to bring in a bill for the relief of Christopher Fowler.

Mr. MELLEN gave notice that, to-morrow, he should ask leave to bring in a bill establishing a circuit court in and for the District of Maine.

THURSDAY, December 9.

Mr. BURRILL asked and obtained leave to bring in a bill for the relief of Samuel Ward, and the bill was read, and passed to the second reading.

Mr. HUNTER asked and obtained leave to bring in a bill for the relief of Christopher Fowler, and the bill was read, and passed to the second reading.

The bill authorizing the transmission of certain documents free of postage, was read a third time, and passed.

On motion by Mr. GAILLARD, the appointment of the standing committees of the Senate was postponed until Tuesday next.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed the Rev. Burgess Allison Chaplain on their part. They have passed a resolution authorizing the transmission of certain documents by mail free of postage, in which resolution they request the concurrence of the Senate.

The last-mentioned resolution was read, and passed to the second reading.

On motion by Mr. MORRIL, the Senate proceeded to the appointment of a Chaplain on their part, and, on the ballots having been counted, it appeared that the Rev. Reuben Post had a majority, and was elected.

Mr. ROBERTS presented the memorial of the Chamber of Commerce of the city of Philadelphia, on the subject of the establishment of a uniform system of bankruptcy throughout the United States, and urging the expediency of providing such a system; and the memorial was read.

The Senate adjourned to Monday morning.

MONDAY, December 13.

Mr. BROWN presented the memorial of William Thornton, Superintendent of the Patent Office, praying an increase of his present compensation; and the memorial was read, and referred to a select committee to consider and report thereon, by bill or otherwise. And Mr. BROWN, Mr. ROBERTS, and Mr. MACON, were appointed the committee.

ERTS, and Mr. MACON, were appointed the committee.

The PRESIDENT communicated a report of the Secretary of the Treasury, prepared in obedience to the act, entitled, "An act to establish the Treasury Department;" and the report was read.

On motion by Mr. DICKERSON, the Senate proceeded to the appointment of the committee on their part, to join the committee appointed by the House of Representatives, on the arrangements of the Library of Congress; and Mr. DICKERSON, Mr. HUNTER, and Mr. DANA, were appointed the committee.

Mr. MELLEN gave notice that to-morrow he should ask leave to introduce a bill authorizing a subscription for the eleventh and twelfth volumes of State Papers.

Mr. DICKERSON gave notice that to-morrow he should ask leave to introduce a resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of the President of the United States, and the election of Representatives in the Congress of the United States.

Mr. EATON gave notice that to-morrow he should ask leave to introduce a bill for the relief of Matthew Barrow.

TUESDAY, December 14.

JAMES PLEASANTS, appointed a Senator by the Legislature of the State of Virginia, to supply the vacancy occasioned by the resignation of JOHN W. EPPES, produced his credentials, was qualified, and took his seat in the Senate.

Mr. ROBERTS gave notice that to-morrow he should ask leave to introduce a bill authorizing the purchase of a certain number of copies of the Declaration of Independence, published by John Binns.

Mr. LANMAN presented the petition of Lathrop Davis, of Connecticut, praying an increase of pension; which was read.

The resolution authorizing the transmission of certain documents by mail, free of postage, was read the second time, and the further consideration thereof was postponed until the first Monday in September next.

Mr. EATON asked and obtained leave to bring in a bill for the relief of Matthew Barrow; and the bill was read, and passed to the second reading.

Mr. MELLEN asked and obtained leave to bring in a bill authorizing a subscription to the eleventh and twelfth volumes of State Papers; and the bill was read, and passed to the second reading.

Mr. DICKERSON asked and obtained leave to introduce a resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and the resolution was read, and passed to the second reading.

Mr. EATON submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire

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into the expediency of prescribing by law for the relief of such of the officers and volunteers engaged in the late Seminole war as may have lost their horses and other property during said campaign.

The PRESIDENT communicated the memorial of Matthew Lyon, of Eddyville, Kentucky, praying compensation for certain losses and sufferings under the act commonly called the *sedition law*; and the memorial was read.

Mr. PARROT gave notice that to-morrow he should ask leave to introduce a bill for the relief of John A. Dix.

Mr. BURRILL submitted the following motion for consideration:

Resolved, That a committee be appointed to arrange and report the rules for conducting business in the Senate, and the rules hitherto practised on by the two Houses of Congress.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit herewith to the Senate a collection of the commercial regulations of the different foreign countries with which the United States have commercial intercourse, which have been compiled in compliance with the resolution of the Senate of the 3d March, 1817.

JAMES MONROE.

WASHINGTON, December 7, 1819.

The Message was read.

JOHN W. WALKER, appointed a Senator by the Legislature of the State of Alabama, produced his credentials, was qualified, and took his seat in the Senate.

Mr. ROBERTS presented the petition of John Stoddart and others, proprietors of a new and improved method of manufacturing screws of wire, praying the imposition of a specific duty on the importation of wood screws; and the petition was read.

On motion by Mr. WILSON, the appointment of the standing committees of the Senate was further postponed until Thursday next.

Mr. ROBERTS presented the petition of Conrad Wile, administrator of Elizabeth Shallus, deceased, and of Andrew Eppele, administrator of Mary Hassenclever, deceased, praying that a certain bond of indemnity relating to the claim of the Baron D'Utrick may be cancelled and annulled; and the petition was read.

WEDNESDAY, December 15.

MONTFORD STOKES, from the State of North Carolina, arrived the 14th instant, and attended this day.

FREEMAN WALKER, appointed a Senator by the Legislature of the State of Georgia, to supply the vacancy occasioned by the resignation of John Forsyth, produced his credentials, was qualified, and he took his seat in the Senate.

Mr. SANFORD gave notice, that, to-morrow, he should ask leave to introduce a bill, entitled "An act to continue in force the act passed on the 20th of April, 1818, entitled 'An act supplementary to an act entitled 'An act to regulate the collection

of duties on imports and tonnage, passed the second day of March, 1799."

The Senate resumed the consideration of the motion of the 14th instant, for the appointment of a committee to inquire into the expediency of making compensation to those who have lost horses and other property in the Seminole war; and, having agreed thereto, Messrs. EATON, ROBERTS, and LOGAN, were appointed the committee.

Mr. ROBERTS asked and obtained leave to introduce a bill authorizing the purchase of a certain number of copies of the Declaration of Independence, published by John Binns; and the bill was read, and passed to the second reading.

Mr. PARROT asked and obtained leave to introduce a bill for the relief of John A. Dix; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the 14th instant, for the appointment of a committee to prepare rules for conducting business in the Senate; and, having agreed thereto, Messrs. BURRILL, GAILLARD, and MACON, were appointed the committee.

Mr. OTIS presented the memorial of Thomas B. Wait, of Boston, praying that the Secretary of State may be authorized to purchase, for the use of Congress, five hundred copies of the eleventh and twelfth volumes of State Papers, published by him; and the memorial was read.

The bill for the relief of Matthew Barrow was read the second time.

The bill authorizing a subscription for the eleventh and twelfth volumes of State Papers was read the second time.

The resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States, was read the second time.

On motion by Mr. DICKERSON, it was referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. DICKERSON, TRIMBLE, BROWN, ELLIOTT, and LOGAN, were appointed the committee.

Mr. ROBERTS presented the memorial and remonstrance of the American Convention for promoting the abolition of slavery, &c., held at Philadelphia, against the admission into the Union of any new States, which may hereafter be formed, unless on the condition that the further introduction of slavery therein be prohibited; which was read.

THURSDAY, December 16.

Mr. SANFORD asked and obtained leave to introduce a bill to continue in force the act passed on the 20th of April, 1818, entitled "An act supplementary to an act entitled an act to regulate the collection of duties on imports and tonnage," passed on the 2d day of March, 1799; and the bill was read, and passed to the second reading.

On motion by Mr. SANFORD, the select committee appointed to revise and report the rules of the Senate, were authorized to propose such amend-

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Standing Committees.

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ments to those rules as they may think proper to be adopted.

Mr. GAILLARD presented the memorial of the President, Directors, and Company, of the Bank of Alexandria, in the District of Columbia, praying a renewal of their charter; and the memorial was read, and referred to the Committee for the District of Columbia.

Mr. ELLIOTT presented the memorial of James Wood, of Columbia County, in the State of Georgia, administrator of Captain Edward Wood, of the Georgia line of continental troops, who served to the end of the Revolutionary war with Great Britain, praying his commutation pay, with interest; and the memorial was read, and referred to the Committee of Claims.

Mr. HUNTER presented the memorial of Bowie and Kurtz and others, of Georgetown, in the District of Columbia, praying indemnity for the loss of the ship *Allegany* and cargo, which were seized and condemned at Gibraltar, by the enemy, whilst the ship was employed in the service of the United States; and the memorial was read, and referred to the Committee of Claims.

Mr. ROBERTS presented the memorial of the President and Directors of the Bank of Potomac, of Alexandria, in the District of Columbia, praying an extension of their charter; and the memorial was read, and referred to the Committee for the District of Columbia.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of so far altering the laws for appointing collectors of the customs of the United States, district attorneys of the United States, and receivers of public moneys for lands of the United States, surveyors of the public lands, registers, and such other officers as they may think proper, as to have those officers respectively appointed for limited periods, subject to removal as heretofore.

The bill for the relief of Samuel Ward was read the second time, and referred to the Committee of Claims.

The bill for the relief of Christopher Fowler, was read the second time, and referred to the same committee.

On motion, by Mr. LANMAN, the petition of Lathrop Davis, of Connecticut, praying an increase of pension, presented on the 14th instant, was referred to the Committee on Pensions.

On motion, by Mr. EATON, the bill for the relief of Matthew Barrow was referred to the Committee on Military Affairs.

On motion, by Mr. DANA, the petition of William Van Deursen and George Wolcott, surveyors of the revenue, praying an increase of compensation, presented on the 8th instant, was referred to the Committee of Commerce and Manufactures.

Mr. MORRIL submitted the following motion for consideration:

Resolved. That the Committee on Pensions be directed to inquire into the expediency of reviving the act of 1806, entitled "An act to provide for persons who were disabled by known wounds received

in the Revolutionary war," which expired at the close of the last session of Congress.

On motion, by Mr. ROBERTS,

Resolved, That a committee be appointed, whose duty it shall be to consider and report upon such subjects as may be referred to them relating to the public buildings, and that said committee ascertain, with as little delay as possible, whether convenient accommodations can be had in the north wing of the Capitol for the Committees and Secretary's office of the Senate, and that said committee have leave to report by bill or otherwise.

Ordered, That Messrs. ROBERTS, GAILLARD, MELLEN, BURRILL, and LANMAN, be the committee.

Mr. MELLEN presented the petition of Henry Rice, of Boston, in the State of Massachusetts, praying that the sums paid by him for duties on certain goods in the port of Castine, which were illegally exacted by the collector of the customs for the district of Penobscot, may be refunded, with interest; and the petition was read, and referred to the Committee on Finance.

Mr. SANFORD presented the petition of Jasper Parish, of Canandaigua, in the State of New York, praying remuneration for injuries sustained by him in consequence of a part of the American Army, under the command of Brigadier General Smyth, encamping on his farm, during the late war with Great Britain; and the petition was read, and referred to the Committee of Claims.

Mr. WALKER, of Alabama, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire what provisions are necessary to give effect to the laws of the United States within the State of Alabama.

STANDING COMMITTEES.

Agreeably to order, the Senate proceeded to the appointment of the following standing committees:

Committee on Foreign Relations—Mr. Brown, Mr. Hunter, Mr. Macon, Mr. Barbour, and Mr. Walker, of Georgia.

Committee on Finance—Mr. Sanford, Mr. Macon, Mr. Dana, Mr. Eaton, and Mr. Logan.

Committee on Commerce and Manufactures—Mr. Sanford, Mr. Dickerson, Mr. Horsey, Mr. Ruggles, and Mr. Burrill.

Committee on Military Affairs—Mr. Williams, of Tennessee, Mr. Trimble, Mr. Taylor, Mr. Tichenor, and Mr. Elliott.

Committee on the Militia—Mr. Noble, Mr. Stokes, Mr. Tichenor, Mr. Walker, of Alabama, and Mr. Lanman.

Committee on Naval Affairs—Mr. Pleasants, Mr. Parrott, Mr. Gaillard, Mr. Walker, of Alabama, and Mr. Williams, of Mississippi.

Committee on Public Lands—Mr. Williams, of Mississippi, Mr. Taylor, Mr. Thomas, Mr. Lowrie, and Mr. Hunter.

Committee of Claims—Mr. Roberts, Mr. Wilson, Mr. Morrill, Mr. Ruggles, and Mr. Van Dyke.

Committee on the Judiciary—Mr. Smith, Mr. Leake, Mr. Burrill, Mr. Logan, and Mr. Otis.

Committee on the Post Office and Post Roads—Mr.

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Wilson, Mr. Palmer, Mr. Edwards, and Mr. Mel-
len.

Committee on Pensions—Mr. Van Dyke, Mr. Noble,
Mr. Elliott, Mr. Eaton, and Mr. Wilson.

Committee for the District of Columbia—Mr. Horsey,
Mr. Hunter, Mr. Pleasants, Mr. Lanman, and Mr.
Otis.

Mr. ROBERTS presented the petition of Rebecca
Hodgson, widow of Joseph Hodgson, praying pay-
ment for the value of a certain house, which was
consumed by fire whilst in the occupation of the
Government of the United States, as the War
Office, in the City of Washington, in the year
1800, as stated in the petition; which was read,
and referred to the Committee of Claims.

The Senate adjourned to Monday morning.

MONDAY, December 20.

Mr. WILLIAMS, from the Committee on Military
Affairs, to whom was referred the bill for the
relief of Matthew Barrow, reported the same with-
out amendment.

Mr. WILSON presented the petition of James
Greene & Co., owners of a manufactory of cop-
peras, in Vermont township, in the State of New
Jersey, praying the protection of Congress, by lay-
ing an additional duty on the importation of cop-
peras; and the petition was read, and referred to
the Committee of Commerce and Manufactures.

Mr. LEAKE submitted the following motion for
consideration:

Resolved, That the Committee on Public Lands be
instructed to inquire into the expediency of so alter-
ing the laws concerning the sale of public lands, as
to divide the sections and fractions of sections into
half-quarter sections; and, also, where lands have
reverted to the United States for non-payment, to
direct the sale thereof again at public auction, upon
the same terms and conditions of all other public
sales; and, also, that, from and after the — day of
—, credit shall not be given on sales of public land;
but the same shall be sold for money only.

Mr. PLEASANTS presented the petition of the
President and Directors of the Farmers' Bank of
Alexandria, in the District of Columbia, praying
an extension of their charter; and, also, of the
President and Directors of the Union Bank of
Alexandria, in said District, praying that the cap-
ital of the Farmers' Bank of Alexandria may be
increased, so as to include their capital, and make
one Bank, to be denominated the Farmers' Bank
of Alexandria; and the petitions were severally
read, and referred to the Committee on the Dis-
trict of Columbia.

Mr. Mellen asked and obtained leave to intro-
duce a bill establishing a circuit court within and
for the district of Maine; and the bill was read,
and passed to the second reading.

On request, Mr. OTIS was excused from serving
on the standing Committee on the Judiciary, and,
also for the District of Columbia.

Mr. SANFORD, from the Committee of Com-
merce and Manufactures, who have considered the
official statements which have been hitherto made,
of the commerce of the United States with foreign
countries, and the provisions which are requisite

for obtaining complete and accurate statistical ac-
counts of the foreign commerce of the United
States, made a report, together with a bill to pro-
vide for obtaining accurate statements of the for-
eign commerce of the United States; and the re-
port and bill were read, and the bill passed to the
second reading.

Mr. LOWRIE presented the petition of the Dis-
trict and Circuit Judge, and others, praying the
times of holding the United States' Court in the
Western District of Pennsylvania may be changed,
as stated in the petition; which was read, and re-
ferred to the Committee on the Judiciary.

Mr. ROBERTS, from the committee appointed on
the 16th instant, who were directed to ascertain
whether convenient apartments could be had in the
north wing of the Capitol for the accommo-
dation of the committees and officers of the Senate,
made a report; which was read.

Mr. TICHENOR presented the memorial of Mark
Richards, of the State of Vermont, praying an
allowance of interest on a balance that was due
and paid him, on a contract with the Secretary of
War, for rations furnished during the late war
with Great Britain, as stated in the memorial;
which was read, and referred to the Committee of
Claims.

Mr. SANFORD presented the petition of Eli Hart,
praying compensation for property destroyed by
the enemy during the late war with Great Britain;
and the petition was read, and referred to the Com-
mittee of Claims.

Mr. LANMAN presented the petition of Oliver
Champlin, surveyor of New London, in the State
of Connecticut, praying an increase of compensa-
tion for his services; and the petition was read,
and referred to the Committee on Commerce and
Manufactures.

On motion by Mr. ROBERTS, the Committee on
the District of Columbia were instructed to inquire
whether any legal provisions be necessary to pro-
vide for the accommodation of the courts of said
District, in Washington county, and for the office
of the clerk of that court.

The Senate resumed the consideration of the
motion of the 16th instant, for instructing the Com-
mittee on the Judiciary to inquire what provisions
are necessary to give effect to the laws of the United
States within the State of Alabama; and
agreed thereto.

The Senate resumed the consideration of the
motion of the 16th instant, for directing the Com-
mittee on Pensions to inquire into the expediency
of reviving the act of 1806, entitled "An act to
provide for persons who were disabled by known
wounds received in the Revolutionary war," which
expired at the close of the last session of Congress;
and agreed thereto.

The Senate resumed the consideration of the
motion of the 16th instant, for instructing the
Committee on Finance to inquire into the expedi-
ency of altering the laws for appointing certain
officers; and agreed thereto.

The bill for the relief of John A. Dix was read
the second time and referred to the Committee on
Military Affairs.

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Reference of President's Message—Slave Trade.

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The bill authorizing the purchase of a certain number of copies of the Declaration of Independence, published by John Binns, was read the second time.

The bill to continue in force the act passed on the 20th of April, 1818, entitled "An act supplementary to an act entitled an act to regulate the collection of duties on imports and tonnage," passed the 2d day of March, 1799, was read the second time and referred to the Committee on Finance.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing a subscription for the eleventh and twelfth volumes of State Papers; and the bill having been amended, it was reported to the House, and the amendments being concurred in, the bill was ordered to be engrossed and read a third time.

The PRESIDENT communicated a report of the Secretary of the Treasury, relative to the internal duties and direct tax, required by law; and the report was read.

Mr. ROBERTS submitted the following motion for consideration:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to sell the furniture lately in the use of the Senate, which shall be found no longer useful, for the best price that can be obtained for it, and to pay the proceeds into the contingent fund.

PRESIDENT'S MESSAGE.

The Senate resumed the consideration of the motions of the 8th instant, and agreed thereto, as follows:

Resolved, That so much of the Message of the President of the United States as concerns our relations with Spain, be referred to the Committee on Foreign Relations.

Resolved, That so much of the Message of the President of the United States as relates to finance, be referred to the Committee of Finance.

Resolved, That so much of the Message of the President of the United States as relates to manufactures, be referred to the Committee of Commerce and Manufactures.

Resolved, That so much of the Message of the President of the United States as relates to violations of our neutrality, be referred to the Committee on the Judiciary.

Resolved, That so much of the Message of the President of the United States as relates to the designation of particular ports for the admission of foreign ships of war and privateers, be referred to the Committee on Naval Affairs.

Resolved, That so much of the Message of the President of the United States as relates to commercial intercourse between the United States and the British possessions in the West Indies and in North America, be referred to the Committee on Foreign Relations.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

In compliance with a resolution of Congress of the 27th March, 1818, the Journals, Acts, and Proceedings, of the Convention which formed the present Constitution of the United States has been published. The resolution directs that one thousand copies should

be printed, of which one copy should be furnished to each member of the Fifteenth Congress, and the residue to be subject to the future disposition of Congress. The number of copies sufficient to supply the members of the late Congress having been reserved for that purpose, the remainder are now deposited at the Department of State, subject to the order of Congress. The documents mentioned in the resolution of the 27th March, 1818, are in the process of publication.

JAMES MONROE.

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The Message was read.

THE SLAVE TRADE.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

Some doubt being entertained respecting the true intent and meaning of the act of the last session, entitled "An act in addition to the acts prohibiting the slave trade," as to the duties of the agents to be appointed on the coast of Africa, I think it proper to state the interpretation which has been given of the act, and the measures adopted to carry it into effect, that Congress may, should it be deemed advisable, amend the same, before further proceeding is had under it.

The obligation to instruct the commanders of all our armed vessels to seize and bring into port all ships or vessels of the United States, wheresoever found, having on board any negro, mulatto, or person of color, in violation of former acts for the suppression of the slave trade, being imperative, was executed without delay. No seizures have yet been made, but, as they were contemplated by the law, and might be presumed, it seemed proper to make the necessary regulations, applicable to such seizures, for carrying the several provisions of the act into effect.

It is enjoined on the Executive to cause all negroes, mulattoes, or persons of color, who may be taken under the act, to be removed to Africa. It is the obvious import of the law, that none of the persons thus taken should remain within the United States; and no place, other than the coast of Africa, being designated, their removal or delivery, whether carried from the United States, or landed immediately from the vessels in which they were taken, was supposed to be confined to that coast. No settlement or station being specified, the whole coast was thought to be left open for the selection of a proper place at which the persons thus taken should be delivered. The Executive is authorized to appoint one or more agents, residing there, to receive such persons; and one hundred thousand dollars are appropriated for the general purposes of the law.

On due consideration of the several sections of the act, and of its humane policy, it was supposed to be the intention of Congress that all the persons above described, who might be taken under it and landed in Africa, should be aided in their return to their former homes, or in their establishment at or near the place where landed. Some shelter and food would be necessary for them there, as soon as landed; let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they might perish. It was supposed; by the authority given to the Executive to appoint agents residing on that coast, that they should provide such shelter and food, and perform the other beneficent and charitable offices contemplated by the act. The coast

of Africa having been little explored, and no persons residing there who possessed the requisite qualifications to entitle them to the trust, being known to the Executive, to none such could it be committed. It was believed that citizens only, who would go hence well instructed in the views of their Government, and zealous to give them effect, would be competent to these duties, and that it was not the intention of the law to preclude their appointment. It was obvious that the longer these persons should be detained in the United States, in the hands of the marshal, the greater would be the expense, and that for the same term would be the main purpose of the law be suspended. It seemed, therefore, to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa, in time to meet the delivery of any persons who might be taken by the public vessels and landed there under it.

On this view of the policy and sanctions of the law, it has been decided to send a public ship to the coast of Africa, with two such agents, who will take with them tools, and other implements, necessary for the purposes above mentioned. To each of these agents a small salary has been allowed—fifteen hundred dollars to the principal and twelve hundred to the other. All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens, possessing the requisite qualifications, would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation. Such allowance, therefore, seemed to be indispensable to the execution of the act. It is intended also to subject a portion of the sum appropriated, to the order of the principal agent, for the special objects above stated, amounting in the whole, including the salaries of the agents for one year, to rather less than one-third of the appropriation. Special instructions will be given to these agents, defining, in precise terms, their duties, in regard to the persons thus delivered to them; the disbursement of the money by the principal agent; and his accountability for the same. They will also have power to select the most suitable place, on the coast of Africa, at which all persons who may be taken under this act shall be delivered to them, with an express injunction to exercise no power founded on the principle of colonization, or other power than that of performing the benevolent offices above recited, by the permission and sanction of the existing Government under which they may establish themselves. Orders will be given to the commander of the public ship in which they will sail, to cruise along the coast, to give the more complete effect to the principal object of the act.

JAMES MONROE.

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The Message was read.

TUESDAY, December 21.

Mr. SANFORD presented the memorial of John Delafield, of the city of New York, praying compensation for certain loan office certificates held by him, as stated in the memorial; which was read, and referred to the Committee of Claims.

Mr. Mellen presented the petition of David Haynes and others, of Massachusetts, praying the establishment of a certain post route, as stated in

the petition; which was read, and referred to the Committee on the Post Office and Post Roads.

Mr. BURRILL presented the petition of Joseph Aborn, surveyor of the port of Pawtuxet, within the district of Providence, in the State of Rhode Island, praying additional compensation for his services; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. MORRIL presented the petition of Samuel F. Hooker, of the State of New York, praying indemnification for certain property captured and condemned by the enemy during the late war with Great Britain, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill for the relief of Samuel Ward, reported the same without amendment.

Mr. ROBERTS, from the same committee, to whom the subject was referred, reported a bill for the relief of Eli Hart; and the bill was read, and passed to the second reading.

Mr. EATON presented the petition of Thomas Hardeman, of Howard county, in the Missouri Territory, praying that his title to a certain tract of land, described in the petition, may be perfected; and the petition was read, and referred to the Committee on Public Lands.

Mr. Mellen presented the petition of Caleb B. Hall, and others, of Bucksport, in the county of Hancock, State of Massachusetts, and also the petition of Jonathan Stevens, and others, of Castine, in said State, praying that the sums paid by them respectively for certain duties, may be refunded; and the petitions were severally read, and referred to the Committee on Finance.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of continuing in force the act entitled "An act to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payments thereon," until the 31st of March, 1822.

Mr. MACON presented the petition of Benjamin Putney, praying relief in consideration of his services in the Revolutionary war; and the petition was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the motion of the 20th instant, for instructing the Committee on Public Lands to inquire into the expediency of altering the laws concerning the sale of public lands; and agreed thereto.

The Senate resumed the consideration of the motion of the 20th instant, for directing the sale of the furniture lately in the use of the Senate.

Whereupon, on motion,

Resolved, That it be referred to the Committee on the Public Buildings, to report what disposition ought to be made of the furniture lately in the use of the Senate, and now not in use.

The bill establishing a circuit court within and for the district of Maine, was read a second time, and referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing

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the purchase of a certain number of copies of the Declaration of Independence, published by John Binns; and the two first blanks having been filled, the first with "200," and the second with "nine," the bill was reported to the House; and ordered to be engrossed, and read a third time?"

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Matthew Barrow; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed the consideration of the report of the committee appointed on the 16th instant, who were directed to ascertain whether convenient apartments could be had in the north wing of the Capitol, for the accommodation of the committees and officers of the Senate; and the same having been agreed to, it was

Resolved, That the proper officers, with as little delay as possible, cause the enumerated eight rooms to be labelled, and furnished accordingly.

Mr. HUNTER, from the Committee for the District of Columbia, pursuant to instructions, reported a bill providing for the accommodation of the Circuit Court for the District of Columbia, in the county of Washington; and the bill was twice read, by unanimous consent, and considered as in Committee of the Whole, and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

Mr. WALKER, of Georgia, presented the petition of Rebecca C. Appling, sister and legal representative of the late Colonel Daniel Appling, of the Army of the United States, deceased, praying that provision may be made by law, allowing the legal representative of Colonel Appling, and the officers and men who fought under him in the battle of Sandy Creek, the amount of the property captured; and the petition was read, and referred to the Committee of Claims.

Mr. SANFORD presented the petition of John Williamson, representing that he was a soldier in the Revolutionary war, and now in indigence, and praying a pension, or some other relief, in consideration of his services; and the petition was read, and referred to the Committee on Pensions.

WEDNESDAY, December 22.

WILLIAM R. KING, appointed a Senator by the Legislature of the State of Alabama, produced his credentials, was qualified, and took his seat in the Senate.

Mr. HUNTER presented the petition of Walter Channing, surviving partner of the house of Gibbs and Channing, of Newport, in the State of Rhode Island, praying restitution of a certain sum paid by them for duties on a quantity of saltpetre, imported in the ship Mount Hope, on the 3d of May, 1803, for reasons stated in the petition; which was read, and referred to the Committee on Finance.

Mr. OTIS presented the petition of James Warren, of Plymouth, Massachusetts, who was a lieutenant of marines on board the frigate Alliance, belonging to, and in the service of, the United States, commanded by Peter Landais, in the Rev-

olutionary war, praying remuneration, in lieu of prize money, for his shares of certain ships captured, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. OTIS presented the petition of Samuel G. Perkins, and others, of Massachusetts, praying redress for an outrage committed by Henry Christophe, in seizing and confiscating a large amount of property in the ports of the Island of St. Domingo, under his dominion, by his decree of the 3d of January, 1811, as stated in the petition; which was read, and committed to the Committee of Foreign Relations.

Mr. WILLIAMS, of Mississippi, presented the memorial of the Legislature of the State of Mississippi, praying the establishment of a port of entry at or near the mouth of Pearl river; and also the petition of the inhabitants of Green, and of Jackson county, in the State of Mississippi, representing that the mouth of the Pascagoula river is the most suitable place for a port of entry and delivery in that State, and praying that it may be designated as such by the competent authority; and the memorial and petitions were severally read, and referred to the Committee on Commerce and Manufactures.

Mr. SANFORD presented the memorial of Noah Brown, and others, in behalf of the owners of the private armed brig Warrior, praying that they may be indemnified from loss, in consequence of the misconduct of the clerk of the district court of New York, to whom had been paid, by the order of that court, the proceeds of the brig Dundee, which brig had been libelled and condemned as lawful prize, as stated in the memorial; which was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the motion of the 21st instant, for instructing the Committee on Public Lands to inquire into the expediency of continuing in force the act, entitled "An act to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payments thereon," until the 31st of March, 1822; and agreed thereto.

The bill for the relief of Eli Hart was read the second time, and considered as in Committee of the Whole, and no amendment having been made, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Samuel Ward; and, no amendment having been made, it was reported to the House, and ordered to be engrossed and read a third time.

The bill for the relief of Matthew Barrow was read a third time, and passed.

The bill providing for the accommodation of the Circuit Court for the District of Columbia, in the county of Washington, was read a third time, and passed.

The bill authorizing a subscription for the eleventh and twelfth volumes of State Papers was read a third time, and the further consideration thereof postponed until Monday next.

The bill authorizing the purchase of a certain number of copies of the Declaration of Independ-

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ence, published by John Binns, was read a third time, and, on motion by Mr. MORRIL, referred to the Committee for the District of Columbia.

Mr. PALMER submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of allowing importations, free of duty, of the raw stone from which oil-stones are manufactured, into the United States.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill for the relief of John A. Dix, reported the same without amendment.

On motion, by Mr. LOGAN, it was ordered that the memorial of Matthew Lyon, of Eddyville, Kentucky, praying compensation for certain losses and sufferings under the act commonly called the Sedition Law, presented on the 14th instant, be referred to the Committee of Claims, to consider and report thereon.

On motion by Mr. WILLIAMS, of Mississippi, *Resolved*, That the Senate proceed to ascertain the classes in which the Senators of the State of Alabama shall be inserted, in conformity to the resolution of the 14th of May, 1789, and as the Constitution requires.

That the Secretary put into the ballot-box three papers, of equal size, numbered 1, 2, 3; each Senator shall draw out one paper; the Senator who shall draw No. 1, shall be inserted in the class of Senators whose term of service will expire on the 3d of March, 1821; the Senator who shall draw No. 2, shall be inserted in the class of Senators whose term of service expires on the 3d of March, 1823; and the Senator who shall draw No. 3, shall be inserted in the class of Senators whose term of service expires on the 3d of March, 1825.

Whereupon, the numbers above mentioned were, by the Secretary, rolled up and put into the box; when Mr. KING drew No. 2, and is accordingly of the class of Senators whose terms of service will expire on the 3d of March, 1823; and Mr. WALKER drew No. 3, and is accordingly of the class of Senators whose terms of service will expire on the 3d of March, 1825.

Mr. WILLIAMS, of Mississippi, from the committee to whom the subject was referred, reported a bill declaring the consent of Congress to the admission of the State of Maine into the Union; and the bill was read, and passed to the second reading.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing by law for the settlement of the claim of Thomas Hunter.

THURSDAY, December 23.

The Senate resumed the consideration of the motion of the 22d instant, for instructing the Committee on Commerce and Manufactures to inquire into the expediency of allowing importations, free of duty, of the raw stone from which oil-stones are

manufactured, into the United States, and agreed thereto.

The Senate resumed the consideration of the motion of the 22d instant, for instructing the Committee of Claims to inquire into the expediency of providing by law for the settlement of the claim of Thomas Hunter; and agreed thereto.

Mr. MACON submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of prescribing by law the mode of quartering soldiers during war in the houses of citizens, when the public exigencies may make it necessary, and the mode by which private property may be taken for public use; designating, particularly, by whose orders property may be taken, the manner of ascertaining its value, and the mode by which the owner shall receive, with the least possible delay, the just compensation for the same, to which he is entitled by the Constitution of the United States.

On motion, by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of Rebecca C. Appling, were discharged from the further consideration thereof; and it was referred to the Committee on Military Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John A. Dix; and the further consideration thereof was postponed until Monday next.

The bill declaring the consent of Congress to the admission of the State of Maine into the Union was read the second time, and considered as in Committee of the Whole; and the bill having been amended, the further consideration thereof was postponed until Tuesday next.

The bill for the relief of Samuel Ward was read a third time, and passed.

The bill for the relief of Eli Hart was read a third time, and passed.

Mr. SANFORD presented the petition of Vincent Grant, praying compensation for property destroyed by the enemy, during the late war with Great Britain; and the petition was read, and referred to the Committee of Claims.

Mr. ROBERTS presented the petition of David Henly, late of Knoxville, Tennessee, praying compensation for a number of arms impressed into the service of the United States, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. TRIMBLE submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing on the pension list William G. Servis, late a second lieutenant in the corps of United States rangers.

The Senate adjourned to Monday morning.

MONDAY, December 27.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, attended and took the Chair.

EDWARD LLOYD, appointed a Senator by the Legislature of the State of Maryland, to continue

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as such; to the third day of March, 1825, produced his credentials, was qualified, and he took his seat.

HENRY JOHNSON, from the State of Louisiana, attended this day.

The Senate proceeded to consider the motion of the 23d instant, instructing the Committee on the Judiciary to inquire into the expediency of prescribing by law the mode of quartering soldiers during war in the houses of citizens; the mode by which private property may be taken for public use, and by whose orders it may be taken; the manner of ascertaining its value, and the mode by which the owner shall be compensated; and agreed thereto.

The Senate proceeded to consider the motion of the 23d instant, instructing the Committee on Pensions to inquire into the expediency of placing William G. Servis, late a second lieutenant of rangers, on the pension list; and the further consideration thereof was postponed until to-morrow.

The Senate resumed the third reading of the engrossed bill authorizing a subscription for the eleventh and twelve volumes of State Papers; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John A. Dix; and the further consideration thereof was postponed until to-morrow.

Mr. WILLIAMS, of Tennessee, presented the petition of John Winton, of the State of Tennessee, stating that he is lawfully entitled to two tracts of land, one lying in Hamilton, and the other in Roane county, in the State of Tennessee, of the use and occupancy of which he has been deprived by the provisions of the two treaties lately made with the Cherokee Indians, and praying relief, for reasons stated in the petition; which was read, and referred to the Committee on Public Lands.

Mr. WILLIAMS, of Mississippi, presented the petition of Sarah F. Chotard, praying to be confirmed in her claim to two tracts of land lying on the Bayou Sara, near Natchez; or that she may be permitted to locate the same quantity elsewhere, of equal quality, for reasons stated in the petition; which was read, and referred to the Committee on Public Lands.

Mr. MORRILL presented the petition of Phineas Cole, of the State of New Hampshire, praying a pension, in consideration of Revolutionary sufferings and sacrifices; and the petition was read, and referred to the Committee on Pensions.

Mr. MELLAN presented the petition of John Carlton and Elisha Douglass, praying pensions, for reasons stated in the petition; which was read, and referred to the Committee on Pensions.

Mr. WALKER, of Alabama, presented the petition of Rhoda Crawford, praying to be permitted to change her entry for a quarter section of land in the State of Alabama, for reasons stated in her petition; which was read, and referred to the Committee on Public Lands.

Mr. ROBERTS presented the petition of Thomas Newton and others, of the city of Philadelphia, manufacturers of corks, praying an increase of duty on imported corks, for reasons stated in the

petition; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. OTIS presented the memorial of a number of merchants of Boston, and other towns in the State of Massachusetts, praying the passage of a bankrupt act, for reasons stated in the memorial; which was read, and referred to the Committee on the Judiciary.

Mr. SMITH presented the petition of Henry Ingraham, surviving partner of Nathaniel Ingraham & Son, and of Robert Hazlehurst and William Smith, jun., of Charleston, in the State of South Carolina, praying to be released from the payment of a certain balance due the United States by the said Nathaniel Ingraham & Son, for reasons stated in the petition; which was read, and referred to the Committee on Finance.

Mr. GAILLARD presented the petition of Thomas Hightower, of the State of South Carolina, praying compensation for the injury done to his negro man whilst affording aid in extricating a stalled wagon laden with ordnance belonging to the United States, in the Fall of 1817, for reasons stated in the petition; which was read, and referred to the Committee of Claims.

Mr. SANFORD presented the memorial of the American Society of the city of New York, for the encouragement of domestic manufactures, praying that the credits on the duties accruing on imports may be abolished; that a duty of ten per cent. may be imposed upon all foreign and domestic goods sold by auction, with the exception of farming stock and utensils, goods sold under execution or otherwise, by direction of courts of law; that the importation of cotton goods may be restricted to such as have been manufactured from the raw material grown in the United States, by increasing the duties on all cotton of foreign growth; and that such alterations, amendments, and increase of the tariff may be made, as in the wisdom of Congress may seem meet; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

On motion by Mr. ROBERTS, the memorial of the Chamber of Commerce of the city of Philadelphia, presented on the 9th instant, was referred to the Committee on the Judiciary.

Mr. BURRILL, from the committee appointed on the subject, reported the existing rules for conducting business in the Senate, with alterations and amendments, which were read.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Christopher Fowler, which was read, and passed to a second reading.

TUESDAY, December 28.

The Senate resumed the consideration of the motion of the 23d instant, instructing the Committee on Pensions to inquire into the expediency of placing William G. Servis on the pension list, and agreed thereto.

The bill for the relief of Christopher Fowler was read the second time.

The Senate resumed, as in Committee of the

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Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and the further consideration thereof was postponed to Monday next.

The engrossed bill authorizing a subscription for the eleventh and twelfth volumes of State Papers was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John A. Dix, and no amendment having been proposed, it was reported to the House, and ordered to be engrossed, and read a third time.

Mr. PALMER submitted the following motion for consideration:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a post route from Montpelier to Danville, in the State of Vermont.

Mr. WILLIAMS, of Mississippi, submitted the following motion for consideration:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a post route from Natchez, in the State of Mississippi, by the way of Franklin, Monticello, Covington Courthouse, and Winchester, to St. Stephens, in Alabama.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

On the 23d of February, 1803, a Message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine Henrick, and her cargo, belonging to citizens of Hamburg, recommending the claim to the favorable consideration of Congress. In February, 1805, it was again presented, by a Message from the President, to the consideration of Congress, but has not since been definitively acted upon.

The Minister resident from Denmark, and the Consul General from Hamburg, having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit herewith copies of their communications for the further consideration of the Legislature; upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

DECEMBER 24, 1819.

The Message and documents were read, and referred to the Committee on Foreign Relations.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Commissioner of the Public Buildings, which, with the accompanying documents, will exhibit the present state of those buildings, and the expenditures thereon, during the year ending the 30th of September last.

JAMES MONROE.

DECEMBER 24, 1819.

The Message and accompanying documents were read and referred to the Committee on Public Lands.

Mr. ROBERTS, from the Committee of Claims,

to whom was referred the petition of Jasper Parrish, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Benjamin Putney, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

Mr. SANFORD, from the Committee on Finance, to whom the subject was referred, reported a bill for the relief of certain persons who have paid duties on certain goods imported into Castine; and the bill was read, and passed to a second reading.

Mr. DICKERSON, from the select committee, to whom was referred the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of the President and Vice President of the United States, and the election of Representatives in the Congress of the United States, reported it without amendment.

Mr. LOGAN submitted the following motion for consideration:

Resolved, That, as the content and happiness of the people cannot be expected, under collisions, and the want of harmony between their governments, that, therefore, the Committee on the Judiciary be instructed to inquire whether provisions may not be duly made, by law, for the removal, from any State, of the branches of the Bank of the United States, upon the request of the Legislature of such State; except during those periods of war, when the public good and the exigencies of the nation shall otherwise require.

Resolved, That said committee be also instructed to inquire, whether the charter of the Bank of the United States cannot be so amended, as that any citizen of the United States may obtain information from the Bank, or its branches, of the amount of debts due, or which shall have been contracted therein, by any person or persons whatsoever, either as principal or endorser.

And that, in order more effectually to guard against the partialities and favoritism into which institutions of the kind are so prone to run, and to prevent, in some degree, as a consequence thereof, sacrifices of property, and the seduction of civil and political rights:

Resolved, That the said committee be further instructed to inquire, whether provision cannot be regularly made by law, for requiring, that, from and after the — day of —, the proper officers of those banks shall certify to this Government the names with the sums of all persons and firms indebted in their respective banks, where the amount shall exceed the sum of — dollars, and the duration of those debts shall have been for a greater length of time than —.

Mr. MORRIL presented the petition of Josiah Ward, of the State of New Hampshire, praying a pension for Revolutionary services, and the petition was read, and referred to the Committee on Pensions.

Mr. GAILLARD presented the petition of Archibald B. Lord and others, in behalf of the officers and crew of the United States cutter Boxer, pray-

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Missouri Territory.

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ing that one-fourth of the proceeds of the brig Diana, and her cargo, libelled and condemned for a violation of the non-intercourse law, may be distributed among them; for reasons stated in the petition; which was read, and referred to the Committee on Naval Affairs.

Mr. GAILLARD also presented the memorial of Jennings O'Bannon, of South Carolina, praying reimbursement of certain expenses incurred by him, in defending a suit wrongfully instituted against him by the United States; and the memorial was read and referred to the Committee of Claims.

Mr. EATON presented the memorial of James Brown, of the State of Tennessee, stating that he purchased in Philadelphia a number of German redemptioners, for a term of years; that, in the State of Ohio, on his way to Tennessee, he was forcibly dispossessed of said servants and himself imprisoned by certain individuals, citizens of Ohio; that he is advised, that redress for such injuries can only be obtained by suits at law; and believing the prejudices of the people of Ohio have been so excited against him, as to prevent an impartial administration of justice in that State in his case, he prays that an act may be passed by Congress, changing the *venue* to Tennessee, or an adjoining State; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. DICKERSON presented the petition of Ann Vreeland and others, surviving executors of Nicholas Vreeland, deceased, praying payment for a certificate issued in 1778, to the deceased, by Benjamin Thompson, Commissioner for the State of New Jersey, for two hundred and forty-five dollars and sixty-six cents, bearing interest from 1st January of that year, which was accidentally destroyed; and the petition was read, and referred to the Committee of Claims.

Mr. OTIS presented the memorial of the merchants and ship owners of Boston, praying the adoption of measures to countervail the discriminating duties now imposed by certain foreign nations on American shipping and their cargoes; and the memorial was read, and referred to the Committee on Finance.

And on motion the Senate then adjourned.

WEDNESDAY, December 29.

THE PRESIDENT communicated a letter from the Secretary of the Treasury, transmitting a report of the Director of the Mint, giving, the result of sundry essays made of several species of foreign coins, made current in the United States, by an act of Congress; and the letter and report were read.

Mr. BURRILL presented the memorial of the cotton and woollen manufacturers residing in Providence and its vicinity, praying the protection of Congress; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Jasper Parrish, and, in conformity thereto, the petitioner had leave to withdraw his petition.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Noah Brown and others, made a report, accompanied by a resolution, that the petitioners have leave to withdraw their petition. The report and resolution were read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Rebecca Hodgson, made a report, accompanied by a resolution, that the petitioner have leave to withdraw her petition. The report and resolution were read.

Mr. SMITH presented the petition of Joshua Nevill, of Charleston, South Carolina, praying to be discharged from the payment of certain bonds, given for duties, as stated in the petition, which was read, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 28th instant for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a post route from Montpelier to Danville, in the State of Vermont, and agreed thereto.

The Senate resumed the consideration of the motion of the 28th instant for instructing the same committee to inquire into the expediency of establishing a post route from Natchez, in the State of Mississippi, by the way of Franklin, Monticello, Covington Courthouse, and Winchester, to St. Stephen's, in Alabama, and agreed thereto.

The bill for the relief of certain persons who have paid duties on certain goods imported into Castine, was read the second time.

Mr. SANFORD presented a statement of trade between the port of New York and the island of Bermuda, for one year, ending the 30th September, 1819; which was read, and referred to the Committee on Foreign Relations.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Christopher Fowler; and the same having been amended, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Denton, Little, & Co., and of Harman Hendrick, of New York;" and also a bill, entitled "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and severally passed to the second reading.

The bill for the relief of John A. Dix was read a third time, and the further consideration thereof was postponed until to-morrow.

MISSOURI TERRITORY.

Mr. SMITH presented the memorial of the Legislative Council and House of Representatives of the Missouri Territory, praying to be admitted into the Union as a separate and independent State; and the memorial was read, and referred to the Committee on the Judiciary.

The memorial is as follows:

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Bank of the United States.

DECEMBER, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the Legislative Council and House of Representatives of the Territory of Missouri, in the name and behalf of the people of said Territory, respectfully sheweth:

That their Territory contains at present a population little short of one hundred thousand souls, which is daily increasing with a rapidity almost unexampled; that their territorial limits are too extensive to admit of a convenient, proper, and equal administration of Government; and that the present interest and accommodation, as well as the future growth and prosperity of their country, will be greatly promoted by the following division, which your memorialists propose, to the end that the people may be authorized by law to form a constitution and establish a State government within the following limits:

Beginning at a point in the middle of the main channel of the Mississippi river, at the thirty-sixth degree of north latitude, and running thence in a direct line to the mouth of the Big Black river, (a branch of White river;) thence up the main branch of White river, in the middle of the main channel thereof, to where the parallel of thirty-six degrees thirty minutes north latitude crosses the same; thence, with that parallel of latitude, due west, to a point from which a due north line will cross the Missouri river at the mouth of Wolf river; thence due north to a point due west of the mouth of Rock river; thence due east to the middle of the main channel of the river Mississippi, opposite the mouth of Rock river; and thence down the river Mississippi, in the middle of the main channel thereof, to the place of beginning.

These are limits to which, to a superficial observer, glancing over the chart of our country, would seem a little unreasonable and extravagant, but which a slight attention to its geography (or more properly to its topography) will be sufficient to satisfy your honorable body are not only proper, but necessary. The districts of country that are fertile and susceptible of settlement are small, and are detached and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These distant frontier settlements, thus insulated, must ever be weak and powerless in themselves, and can only become important and respectable by being united; and one of the great objects your memorialists have in view is the formation of an effectual barrier for the future against Indian incursions, by pushing forward and fostering a strong settlement on the little river Platte to the west, and on the Des Moines to the north.

Your memorialists are free to declare, and are happy in declaring, that they do not feel the necessity of enforcing their wishes by an elaborate detail of the blessing of self-government, or a particular enumeration of the rights and immunities guaranteed to them by the treaty of cession. Your memorialists feel a firm confidence, founded on the wise and generous policy heretofore pursued by your honorable body, (and to which they owe their existence as a portion of the great American family,) that they need only pray to be incorporated into the Union, and to show that it is not only "possible," but convenient and proper, (according to the principles of the Federal Constitution,) to have their prayer answered.

There are many grievances of which your memorialists might complain, and complain heavily, too, and

many that are much more easily felt than described; yet most of them, it must be confessed, are inseparable from the form of government under which they live, and none of them have been imposed through choice by the General Government; and your memorialists can feel no wish or motive now to complain of old grievances they have long borne with patiently; cheered with the hope that their sufferings must soon have an end, they would choose rather to forget them. There are, however, rights, privileges, and immunities belonging to citizens of the United States, which your memorialists would proudly claim, to which they aspire, and with which they pray to be invested. These, they fondly believe, should not, and will not now, be regarded by your honorable body as mere matters of grace and favor.

And though the enclosed documents are not so satisfactory as your memorialists would wish to have forwarded, they may still serve to show you that the population included within the counties of New Madrid, Lawrence, St. Genevieve, Cape Girardeau, Washington, St. Louis, St. Charles, and Howard, (which are within the above limits,) is more than equal to the number of inhabitants heretofore required by the laws and Constitution of the United States, upon the admission of any new State into the Union; and that, whilst every thing is hoped for from the spirit of a generous and enlightened policy, much might have been claimed in justice on the faith of the treaty of cession.

DAVID BARTON,

Speaker of the House of Representatives.

BENJAMIN EMMONS,

President of the Legislative Council.

St. Louis, November 21, 1818.

The foregoing is a true copy of the original.

D. BARTON, *Speaker.*

BANK OF THE UNITED STATES.

The resolution submitted yesterday by Mr. LOGAN, respecting the Bank of the United States, was taken up.

Mr. LOGAN observed that the object of the resolution was to bring before the Senate the consideration of a subject of great importance to the people of the United States. It was not his purpose now to enter into a discussion of the principles embraced by the resolution, but at a proper time he had no doubt he should be able to sustain those principles. He presumed the Senate was not prepared to yield the principle that one body of representatives could transfer any great political rights beyond the power of their successors to touch. In reply to a suggestion of Mr. SMITH, of South Carolina, that the inquiry had better be referred to a select committee, appointed for the special consideration of the resolution, Mr. L. said the resolution involved a great Constitutional question, and therefore he had thought the Judiciary Committee the most proper for it; but assented to the wish to have the reference made to a select committee, which course was agreed to.

The question being stated on agreeing to the resolution as thus modified—

Mr. ROBERTS remarked that he was not prepared for the reference of this inquiry in any shape. He knew that courtesy induced the Senate generally to assent to any motion for inquiry; but, in this case, he questioned if it was not of a nature im-

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proper for reference. It was an inquiry to affect property vested by the United States, and the adoption of the resolution might justify an impression that this body entertained the opinion that it could now change the condition of that property. He was not prepared at present to act on such a proposition, and moved that the resolution be postponed to Monday next.

Mr. WILSON also expressed his wish that the consideration of the subject should be deferred to the day proposed.

The motion prevailed, without a division.

The PRESIDENT communicated a report of the Secretary of War, exhibiting a statement of moneys transferred during the recess of Congress, by authority of the President of the United States, in the year 1819, showing also their application; and the report was read.

THURSDAY, December 30.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Benjamin Putney; and, in conformity thereto, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Rebecca Hodgson, and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States.

On motion of Mr. DICKERSON, the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of certain persons who have paid duties on certain goods imported into Castine, and the further consideration thereof was postponed until Monday next.

Mr. LLOYD presented the memorial of a number of citizens of the United States, residing in Maryland, manufacturers of cotton and woollen goods, praying the protection of Congress; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. SANFORD presented the memorial of Ebenezer Stevens and others, praying that provision may be made by law for the liquidation and settlement of a claim, which originated in two contracts made between Robert Morris, Esq. Superintendent of the Finances of the United States, and certain persons, associated under the firm of Comfort Sands & Co., and Sands, Livingston & Co., for supplying with provisions, for a certain period, the troops of the United States, as stated in the memorial; which was read, and referred to the Committee of Claims.

Mr. WILLIAMS, of Tennessee, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing

the State of Tennessee to dispose of the vacant land south of French Broad and Holstein rivers, in said State, at a price less than two dollars per acre.

The bill, entitled "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States," was read the second time, and referred to the Committee of Claims.

The bill, entitled "An act for the relief of Denton, Little, & Co., and of Harman Hendrick, of New York," was read the second time, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the engrossed bill for the relief of John A. Dix, and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the committee appointed to arrange and report the rules for conducting business in the Senate, and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Christopher Fowler; and, on motion by Mr. ROBERTS, it was recommitted to the Committee of Claims, further to consider and report thereon.

The Senate adjourned to Monday morning.

MONDAY, January 3, 1820.

RICHARD M. JOHNSON, appointed a Senator by the Legislature of the State of Kentucky, to supply the vacancy occasioned by the resignation of John J. Crittenden, produced his credentials, was qualified, and he took his seat in the Senate.

Mr. STOKES presented the petition of Edward B. Dudley and John M. Van Cleef, in behalf of themselves and the master and owner of the brig Sally, of Wilmington, North Carolina, praying relief for an alleged violation of the laws prohibiting the introduction of slaves into the United States, as stated in the petition; which was read, and referred to the Committee on Finance.

Mr. WILLIAMS, of Tennessee, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of subjecting the cadets in the United States' Military Academy at West Point, to the rules and articles of war.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the act making appropriations for the support of the Navy of the United States, for the year 1819;" a bill, entitled "An act supplementary to the act entitled 'An act to regulate and fix the compensation of the clerks in the different offices, passed the twentieth of April, 1818;'" a bill, entitled "An act making a partial appropriation for the military service of the United States, for the year 1820;" a bill, entitled "An act allowing Sarah Allen the bounty land and pay which would have been due to her son Samuel Drew, had he lived, for his services as a private in the late war;" and, also, a resolution for the further distribution of the Journal of the Convention which formed the Constitution of the

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United States; in which bills and resolution they request the concurrence of the Senate.

The said four bills and resolution were read, and severally passed to the second reading.

The bill, entitled "An act in addition to the act making appropriations for the support of the Navy of the United States, for the year 1819," was read the second time by unanimous consent, and referred to the Committee on Naval Affairs.

The bill, entitled "An act making a partial appropriation for the military service of the United States, for the year 1820," was read the second time by unanimous consent, and referred to the Committee on Military Affairs.

The bill, entitled "An act supplementary to the act entitled 'An act to regulate and fix the compensation of the clerks in the different offices,' passed the twentieth of April, 1818," was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act allowing Sarah Allen the bounty land and pay which would have been due to her son Samuel Drew, had he lived, for his service as a private in the late war," was read the second time by unanimous consent, and referred to the Committee of Claims.

The resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States, was read the second time by unanimous consent, and referred to the Committee for the District of Columbia.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Rebecca Hodgson, and, in conformity thereto, the petitioner had leave to withdraw her petition.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Noah Brown and others, and the further consideration thereof was postponed until Wednesday next.

The Senate resumed the consideration of the motions of the 28th ultimo, respecting the Bank of the United States and the Branches thereof; and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the motion of the 30th ultimo, for instructing the Committee on Public Lands to "inquire into the expediency of authorizing the State of Tennessee to dispose of the vacant land south of French Broad and Holstein Rivers, in said State, at a price less than two dollars per acre," and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of certain persons who have paid duties on certain goods imported into Castine; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time?"

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the admission of the State of Maine into the Union," in which bill they request the concurrence of the Senate.

The PRESIDENT communicated a report of the

Secretary of the Navy, made in obedience to a resolution of the Senate of the 8th of February, 1819, on the rules, regulations, and instructions, for the naval service, prepared and reported under the authority of an act of Congress of the 7th day of February, 1815, and the report was read, and referred to the Committee on Naval Affairs.

MR. WILSON, from the Committee of Claims, to whom was referred the petition of Ann Vreeland, and others, surviving executors of Nicholas Vreeland, deceased, made a report, accompanied by a bill for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased; and the report and bill were read, and passed to the second reading.

THE SEDITION LAW.

MR. LOGAN offered a resolution to request the President of the United States to cause to be laid before the Senate any evidence in the Executive department in relation to judgments, fines, and payments, under the act, entitled "An act for the punishment of certain crimes against the United States," [commonly called the sedition law,] and whether in any, and in what instance, the same have been remitted. Mr. L. mentioned, in explanation of his motion, that, on a petition now before the Committee of Claims from Matthew Lyon, of Kentucky, praying to be reimbursed the amount of a fine incurred under the sedition law, some difficulty existed, for the want of certain facts referred to in the petition, and it was to obviate this difficulty that he desired a call for the information from the Executive. The resolution lies on the table one day of course.

THE RULES.

The Senate resumed the consideration of the report of the committee appointed to arrange and report the rules for conducting business in the Senate; and also such amendments to those rules as they may think proper to be adopted; and the same having been amended, the following was agreed to as the rules of the Senate, and also the joint rules and orders of the two Houses:

1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member when he speaks shall address the Chair, standing in his place, and when he has finished shall sit down.

4. No member shall speak more than twice in any one debate, on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member first rising shall speak first.

6. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind he may call for the sense of the Senate.

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7. If the member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

8. No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. No motion shall be debated until the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read, before the same shall be debated.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points, any member may have the same divided.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

15. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the orders of the day, and no motion on any other business shall be received, without special leave of the Senate, until the former is disposed of.

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

17. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion the doors shall remain shut.

18. No motion shall be deemed in order to admit any person or persons, whatsoever, within the doors of the Senate Chamber, to present any petition, memorial, or address, or to hear any such read.

19. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolu-

tion, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

20. When the Senate are equally divided, the Secretary shall take the decision of the President.

21. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States, and the Senators shall signify their assent or dissent, by answering, *viva voce*, aye or no.

22. The Vice President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such a substitution shall not extend beyond an adjournment.

23. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

24. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills, after the first reading, shall be printed for the use of the Senate.

25. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent, or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills.

26. No bill shall be committed or amended until it shall have been twice read; after which it may be referred to a committee.

27. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate agreeably to the rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in Committee of the Whole, the Vice President, or President *pro tempore*, may call a member to fill the Chair, during the time the Senate shall remain in Committee of the Whole; and the Chairman so called shall, during such time, have the powers of a President *pro tempore*.

28. The final question upon the second reading of every bill, resolution, Constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall, at all times, be in order, before the final passage of any such bill, resolution, Constitutional amendment, or motion, to move its commitment, and should such commitment take place, and any amendment be reported by the Committee, the said bill, resolution, Constitutional amendment, or mo-

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tion, shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be again put.

29. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

30. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

- A Committee on Foreign Relations.
- A Committee on Finance.
- A Committee on Commerce and Manufactures.
- A Committee on Military Affairs.
- A Committee on the Militia.
- A Committee on Naval Affairs.
- A Committee on Public Lands.
- A Committee on Indian Affairs.
- A Committee of Claims.
- A Committee on the Judiciary.
- A Committee on the Post Office and Post Roads.
- A Committee on Pensions.
- A Committee on the District of Columbia.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

And a Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of the possession of the Senate, and to make report that they are correctly engrossed; which report shall be entered on the journal.

31. All committees shall be appointed by ballot, and a plurality of votes shall make a choice. But when any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

32. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

33. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only, when no motion to reject, ratify, or modify, the whole, or any part, shall be received. Its second reading shall be for consideration; and, on a subsequent day, when it shall be taken up, as in Committee of the Whole, every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall these words stand as part of the article?" and in every of the said cases, the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the House, and questions shall be again severally

put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand part of the resolution?" And, in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

34. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

35. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

36. All confidential communications made by the President of the United States to the Senate shall be by the members thereof kept secret; and all treaties which may be laid before the Senate shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

37. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

38. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the Sergeant-at-Arms, and Doorkeeper, or, in his absence, the Assistant Doorkeeper.

39. Extracts from the Executive record are not to be furnished but by special order.

40. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the journal.

41. No paper or document shall be printed for the use of the Senate, without special order, except reports of committees of the Senate, messages from the President of the United States, and communications from the heads of departments.

42. The proceedings of the Senate, when they shall act in their Executive capacity, shall be kept in separate and distinct books.

43. The proceedings of the Senate, when not acting as in a Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

44. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

45. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

Joint Rules and Orders of the two Houses.

1. In every case of an amendment of a bill agreed

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to in one House, and dissented to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, such Committees shall, at a convenient hour, to be agreed on by their Chairman, meet in the conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment, by the Secretary of the Senate, or Clerk of the House of Representatives, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

7. When bills are enrolled, they shall be examined by a joint committee of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

9. After a bill shall have been thus signed in each House it shall be presented by the said committee to the President of the United States, for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the journal of each House.

10. All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall, also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

12. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof is given to the House in which the same may have passed.

13. When a bill or resolution, which has been pas-

sed in one House, is rejected in the other, it is not brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

14. Each House transmits to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution is lost.

On motion by Mr. BURRILL,

Ordered, That they be printed, together with the Constitution of the United States, and five hundred additional copies thereof, for the use of the Senate.

STATE OF MAINE.

The Senate resumed the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union.

Mr. BARBOUR observed that this bill involved considerations of great moment; that it embraced provisions on which there were conflicting opinions, though no objection whatever was entertained to the main object of the bill, of which indeed he was warmly in favor. For this and other reasons, which Mr. B. afterwards submitted at large, he wished the bill to go back to the Committee, in hopes that they might so shape it as to obviate the difficulties alluded to, and unite the voice of the Senate in its favor. Mr. B. concluded his remarks by moving that the further consideration of the bill be postponed to Wednesday; when, if his present motion succeeded, he should offer the following motion:

"That the bill entitled a bill declaring the consent of Congress to the admission of the State of Maine into the Union, be committed to the Committee on the Judiciary, with instructions so to amend it as to authorize the people of Missouri to establish a State government and to admit such State into the Union upon an equal footing with the original States in all respects whatever."

The motion to postpone was opposed at considerable length by Messrs. MELLEN, OTIS, and BURRILL, successively, on the ground of the impropriety of delaying the bill, and also as taken in connexion with the motion of which Mr. BARBOUR had given notice. The inexpediency of coupling the two subjects together in one bill; and, incidentally, the question connected with the Missouri bill of certain restrictions, &c., entered into the debate.

Mr. BARBOUR replied, and entered at large into the merits and the defence of the proposition which he had disclosed his intention of offering, and into the question which grew out of it, touching the right of imposing conditions upon the admission of Missouri, &c.

The motion strictly before the Senate being simply to postpone the consideration of the bill to Wednesday, it was assented to generally by those gentlemen who had opposed the object of the postponement, and was agreed to without a division.

TUESDAY, January 4.

WILLIAM PINKNEY, appointed a Senator by the Legislature of the State of Maryland, in place of

Alexander C. Hanson, deceased, produced his credentials, was qualified, and he took his seat in the Senate.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act making a partial appropriation for the military service of the United States for the year 1820," reported the same, without amendment.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of Joshua Nevill, made a report, accompanied by a resolution, that the prayer of the petitioner be not granted. The report and resolution were read.

On motion by Mr. PLEASANTS, the Committee on Naval Affairs, to whom was referred so much of the Message of the President of the United States as relates to the designation of particular ports for the admission of foreign ships of war and privateers, were discharged from the further consideration thereof, and the same was referred to the Committee on Foreign Relations.

Mr. ROBERTS presented the petition of Edward Barry, sailing master, and George Hodge, boatswain, in the navy yard of the United States, at Washington, praying remuneration for the loss of household furniture, books, and instruments of navigation, destroyed by the fire on the 24th of August, 1814, as stated in the petition; which was read, and referred to the Committee of Claims.

The bill from the House of Representatives, entitled "An act for the admission of the State of Maine into the Union," was read twice by unanimous consent, and referred to the Committee on the Judiciary.

Mr. BROWN presented the memorial of Robert Hart and others, captains of American vessels lying in the port of New Orleans, complaining of the great difference of duty in France paid by American and French vessels, representing the great evils arising therefrom, and praying relief; and the memorial was read, and referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Louisiana, presented the petition of Anthony Cavalier and Peter Petit, of the State of Louisiana, praying the confirmation of their title to a certain tract of land in said State; and the petition was read, and referred to the Committee on Public Lands.

Mr. J. also presented the petition of Rosalie P. Deslonde, the petition of J. Pellet, the petition of Joseph Lefevre, the petition of Barthelemy Duverge, the petition of Francis B. Languille, the petition of John Rodriguez, the petition of Joseph McNeil, the petition of Lewis H. Guerlin, the petition of Pierre Dennis de la Ronde, the petition of Alexander Milne, the petition of Solomon Provost, the petition of Labedoyere de Kermion, and the petition of Noel Destrahan, for and in behalf of the heirs of E. Macarty, of the State of Louisiana, praying remuneration for losses sustained by them during the late war with Great Britain, by invasion of the enemy, as stated in the several petitions; which were read, and respectively referred to the Committee of Claims.

Mr. SMITH presented the petition of Thomas

Chapman, collector of the customs for Georgetown district, in the State of South Carolina, praying the restoration of a certain sum of money, as his proportion of the cargo of the brig Diana, a Swedish vessel, forfeited for a violation of the revenue laws, as stated in the petition; which was read, and referred to the Committee on Naval Affairs.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill establishing a circuit court within and for the District of Maine, reported the same without amendment.

Mr. EATON presented the memorial of John Nicholls, praying indemnity for certain wagons and horses lost whilst in the service of the United States, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. EATON also presented the petition of Robert Purdy, late colonel in the military service of the United States, praying remuneration for certain expenditures incurred by him in the performance of his duties in endeavoring to enforce his order prohibiting the introduction of spirituous liquors within the limits of his encampment, as stated in the petition; which was read, and referred to the Committee on Military Affairs.

Mr. TICHENOR gave notice that, to-morrow, he should ask leave to introduce a bill providing for the better organization of the Treasury Department.

Mr. DANA presented the memorial of the Chamber of Commerce of New Haven, Connecticut, praying an uniform system of bankruptcy throughout the United States; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. NOBLE presented the memorial of the General Assembly of the State of Indiana, on the subject of locating an additional land office at Brownstown, in the county of Jackson, in said State; and the memorial was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the motion of the 2d instant, for instructing the Committee on Military Affairs to inquire into the expediency of subjecting the cadets in the United States Military Academy at West Point to the rules and articles of war, and agreed thereto.

The Senate resumed the consideration of the motion of the 3d instant, for requesting the President of the United States to cause to be laid before the Senate any evidence in the Executive Department in relation to judgments, fines, and payments, under the act, entitled "An act for the punishment of certain crimes against the United States;" and whether, in any, and in what, instances the same have been remitted; and agreed thereto.

Mr. DICKERSON's resolution, proposing an amendment to the Constitution of the United States, was further postponed to Monday next.

The bill to provide for obtaining accurate statements of the foreign commerce of the United States was read the second time.

The Senate resumed the third reading of the engrossed bill for the relief of John A. Dix; and the bill was passed.

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The bill for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased, was read the second time.

The bill for the relief of certain persons who have paid duties on certain goods imported into Castine, was read a third time, and passed.

Mr. HORSEY presented the memorial of the Columbia Institute, praying the grant of a part of the public reservation of ground in the City of Washington, for purposes connected with the said institution; and the memorial was read and referred to the Committee on the District of Columbia.

Ordered, That a member be added to the Committee on the District of Columbia, in place of Mr. OTIS excused.

And Mr. LLOYD was appointed.

Ordered, That a member be added to the Committee on the Judiciary, in place of Mr. OTIS excused.

And Mr. PINKNEY was appointed.

The Senate then, on motion of Mr. LEAKE, proceeded to the appointment of a Committee on Indian Affairs, pursuant to the rule adopted yesterday; and Messrs. LEAKE, KING, JOHNSON, of Kentucky, JOHNSON, of Louisiana, and LOWRIE, were appointed to compose the committee.

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The Senate then proceeded, according to the order of the day, to consider the following resolutions, submitted on the 28th of December by Mr. LOGAN, of Kentucky:

1. *Resolved*, That, as the content and happiness of the people cannot be expected under collisions and the want of harmony between their governments, that therefore the Committee on the Judiciary be instructed to inquire whether provision may not be duly made by law for the removal from any State of the branches of the Bank of the United States, upon the request of the Legislature of such State; except, during those periods of war, when the public good and the exigencies of the nation shall otherwise require.

2. *Resolved*, That said committee be also instructed to inquire whether the charter of the Bank of the United States cannot be so amended, as that any citizen of the United States may obtain information from the bank or its branches of the amount of debts due, or which shall have been contracted therein, by any person or persons whatsoever, either as principal or endorser.

And that, in order more effectually to guard against the partialities and favoritism into which institutions of the kind are so prone to run, and to prevent, in some degree, as a consequence thereof, sacrifices of property, and the seduction of civil and political rights—

3. *Resolved*, That the said committee be further instructed to inquire whether provision cannot be regularly made by law for requiring that, from and after the — day of —, the proper officers of those banks shall certify to this Government the names, with the sums, of all persons and firms, indebted in their respective banks, where the amount shall exceed the sum of \$—, and the duration of those debts shall have been for a greater length of time than —.

The resolutions having been read—

Mr. LOGAN said he rose to discharge, according to the best of his powers, an important and highly responsible duty. It would be perceived, he said, that the resolutions under consideration had in view three distinct objects:

1. As regards the harmony of these united governments and the peace and content of the people.

2. As regards the *partialities* and *abuses* into which banking institutions are but too prone to run, in violation of the avowed object and of that *political spirit* which bring them into existence.

3. As respects their agency in furthering imposition upon an *unwary* and *unsuspecting* people, by affording too often the apparent evidence of wealth and ability, where in fact it may not exist; and locking up the truth as a secret too sacred to be told.

At the threshold of this discussion, permit me, said Mr. L., to assume as an axiom in politics, that no legislative act is sound and well founded having the tendency to increase the inequality in the wealth of society, and as a consequence to widen the grades of social intercourse, beyond what is produced by the different degrees of industry, economy, enterprise, and good fortune; unless, indeed, it be necessary for public purposes and general utility. That such is the tendency of banking corporations, continued Mr. L., seems clearly deducible from this fact: that they not only confer the privilege of making money out of money, agreeably to some fixed standard regulating the rate of interest—a privilege common to all society—but they also possess the faculty, derived from the aid and sanctity of law, of making money upon their credit; so that the result might be the same, both as regards the community and the corporation, whether you permit directly double interest on their capital employed, or legal and usual interest only, but with as much more on the emission of credit: as the gain would be to the one, so would be the loss to the other; except only, so far as the public should profit therefrom, through a well-regulated spirit of enterprise and useful improvement by a just and reasonable distribution of their means in various sections of the nation.

Sir, the proposition, in its plain and undisguised form, to give to any set of men the privilege, by law, of taking a higher interest for the use of their money than is generally permitted, would, I apprehend, find but few advocates among the representatives of a free people. If, therefore, such would be the probable effect of any institution of the Government, we ought certainly to look for reasons of a public nature to justify the policy. Here, (pardon the inquiry,) did you, sir, or did any member of this national assemblage, ever vote for the establishment of such a corporation, but from an understanding of an *implied* promise and undertaking on their part, that they would promote the general convenience and public good? In other contracts and treaties, however solemn and sacred, to disregard the intended object and violate an essential duty, presented a proper case for redress before some of the regular functionaries of the Government. But where, sir, is the *cancelling* power, if, instead of doing good, the bank shall

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determine to do harm? And, surely, in the same ratio it has the capacity to do good, it has the power to do evil. Does it belong to the judiciary to correct their abuses? They have as little to do with public matters of political cognizance, as you have to do with those of judicial concern. Let us be careful to keep separate the legislative-correcting power of the Government, from that properly belonging to the judiciary. But whilst we regard, most sacredly regard, that of the judiciary, not to be construed out of the political rights of the nation.

Sir, it is not every interest derivable from law which can bid defiance to legislative provision and control. Were this the case, how soon might the representatives of this day render future legislation a bubble, and close forever the scene to amendment and improvement, accordingly as experience and expediency might suggest. There is no law but is intended to confer an interest of some kind. But the question is, whether that interest will give such a right, as may be asserted in opposition to the regular revising power of the legislative department of the Government? Can it be severed from and transferred forever from that ever-existing sovereignty of legislation, and converted into private right, so as to be beyond the reach of legislative touch, and the control of expediency? The grant of the nation's lands, though for a dollar, if unmingled with fraud, passes the right, and the grantee will hold. Not so of civil rights—they are inalienable—so connected with, and inseparably interwoven in the body politic, that the root cannot be regularly eradicated. The Government may hold forth her favors and privileges, but there is still an existing power to watch over and correct, from time to time, all political excess. And hence I infer, said Mr. L., that the smallest civil right cannot be forever transferred, or even for twenty years, although it shall be for a *bonus*, if the public good shall otherwise require. Nor is the common sense of my countrymen deluded by this goodly boon. They are aware of the ultimate source from whence it comes; that, for the privilege of checking on them, the corporation consents to pay back a part.

But, Mr. President, I would not be understood as intending or wishing, under the existing state of things, to prostrate every institution of the kind. Only admit the power—the Constitutional right—to watch over and restrain abuses, and then act on expediency. Keep unobstructed the *avenue of light*, that the operations of that hidden body may be seen and understood, to this great sentinel of public liberty and public justice. Suffer this Government not to forget that she must stand sponsor for the *deeds* of others over whom she may watch—whom she has been instrumental in bringing into political existence, and whose transactions may be of *vital* importance to the great body of society.

Sir, is there any thing unreasonable in this request? Is it incompatible with the interest and purposes of that institution? I hope not. But if it be, then I am free to acknowledge that my solicitude increases to understand its operation, and to know its purposes. And if it is not incompat-

ible, why this reluctance and pertinacious refusal? Why not grant this reasonable courtesy to the same body who gave it existence, when, by so doing, you may essentially contribute to the repose of public apprehension? Is it because every thing is so certainly right, that it would be only gratifying idle curiosity; or is it because we fear light and knowledge on the subject?

I hope, sir, said Mr. L., that we are not disposed to touch, rashly and prematurely, the solemn acts of this Government; that we will regard public faith with a tender eye, as connected with the character and honor of the nation. This is enjoined, because it is a duty to retain the confidence and affections of every portion of your people; for, on that confidence and love, the energies of this nation essentially depend; and by a due regard to the interest of all, as far as can be done consistently with higher duties, we shall not only have performed a moral, but have discharged, moreover, a political duty. But, sir, there is a point beyond which that duty will cease, and give place to those of paramount obligation. The same reason still applies, and commands that it should be so. The interest becomes adverse, and the private must yield to general convenience and utility. The first and highest duty of the statesman is to take care of the public safety—of her peace and her happiness. To do this, we may be unavoidably drawn into an unpleasant examination of events, and to trace them back to painful causes. And whilst I admit the correctness of the remark, that we are sometimes the subjects of groundless apprehension, it ought also to be conceded that its opposing character is delusive hope and trusting chance.

Mr. President, to cherish a *unity* of feeling and friendly understanding between our governments, is as *vital*ly important to the content and repose of the Republic, as to nurse with care the tender ligaments which connect the head and other indispensable members of our system. Is there any thing that you and this House would not do to remove every cause of State inquietude and distrust, which the welfare of the nation does not prohibit? Does good policy forbid your touching this subject? In what respect will it affect the necessary operations of the Government, and how injure the essential interest even of the bank? She has but to act the part of a faithful, an impartial mother, and she may harmonize the whole great family; even the proscribed and the step-child, with industry and prudence, may profit from her kindness and charity. But suppose her conduct to be directly the reverse, and where is the check? Not even the reproach of an impartial world.

By refusing to act on this subject, said Mr. L., may we not betray this Government into the suspicion that she feels a more parental care for the interest of the bank than for the rights of States and of the people? Will you do nothing towards allaying jealousy and restoring public confidence? Perhaps, sir, but a little time, and we hear the question—are you for the bank, or are you for the States and the people? As invidious and mortifying as may be the course, I fear we are on the high way to provoke it. Let me, then, entreat you,

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that neither dignity nor ease of station shall prevent a solemn and particular review of the ground before us. Whithersoever we look, sir, whether to the East or to the West, to the North or to the South, we are presented with some portending events, connected with this subject, of an unfavorable aspect. Why, therefore, hesitate to leave with the State governments and your banks to make their own bargain, or otherwise provide for their withdrawal, in order to save the peace and tranquillity of society? If they can harmonize, you may then expect it; and, if they cannot, why continue the spirit of discordance, to the great detriment of governmental unity and friendly understanding.

Perhaps we shall be told that the agreement has already been made, and that the States ought to abide by it. With this Government, who, when acting on the subject of policy and public interest, is herself not exempt from error and correction, the argument will have received its just weight. But there is another answer which I beg leave to give: The banks were, I presume, invited to the States, in the expectation that they would, as branches of an institution of the Government, endeavor to administer, with an impartial hand, to the wants and situation of the country, as far as practicable, and a just regard to the interest and safety of the institution would permit; thereby increasing public confidence, and cementing more closely the interest and feelings of the people to the measures of Government. Whether this expectation has been disappointed, will hereafter be the subject of inquiry. At present, said Mr. L., it is sufficient to observe that if, in the spirit of friendship and hospitality, the banks have been invited into the bosoms of the States, and, instead of cultivating peace and good will, have been instrumental in producing discord and contention, by pursuing a course unfriendly to the prosperity of the States, and in violation of one of the principal objects of the charter, that, like the man who is unmindful of his obligation to hospitality, they, with him, will have justly incurred the same merited sentence.

But suppose, sir, said Mr. L., that I am wrong in my opinion as to the power of legislative bodies in general over banking privileges, (and if I am I fear the error will go with me to my grave, for I have been under its delusion for upwards of fifteen years,) yet there is another view of the subject favorable to the Constitutional power of this Government over her bank. It is believed to be conceded by all, that Congress has not the power to establish a bank for private purposes merely; that it can only be done as a mean of necessity and propriety for carrying into effect some of the delegated powers to this Government. What is a "necessary and proper" act for the accomplishment of those great, substantive, and specified powers, is a question purely of expediency, depending, in its exercise, on a well regulated discretion, adapted to the nature of the subject, and a most scrupulous regard to other existing correlative rights. Expediency is the creature of experiment, which time and experience mould to suit their purpose.

What may be thought necessary and proper at one time, by the Legislature, may not be thought so at another time: events may have unfolded themselves, evincing the necessity and propriety of a change. Or that which at one session may be approved, as best calculated to carry into effect a given power, may, at another, from a change of Representatives, be disapproved of and amended, or a different *mean* established.

One Legislature cannot give to her acts of policy perpetuity, or a claim for years. It is always competent for a succeeding Legislature to revise such acts of their predecessors.

What a Legislature cannot do directly, is not permissible to be effected indirectly.

A law which is necessary and proper for carrying into effect any of the powers given by the Constitution, is in its nature, and for the accomplishment of its purposes, political, and cannot be converted from its true character, by connecting therewith, and tacking thereto, private rights; because that would be to effect indirectly what could not be done directly, and thereby put in the power of one Legislature to perpetuate her acts of policy upon succeeding Legislatures; and because a private interest in the institution, having no other foundation than as attached thereto, cannot, as a mere incident, change the true character of that *political mean*. Their privileges, to say the most of them, have received admittance within the pale of the Constitution, through an instrument of the Government, contrived as an instrument of expedience, embark, subject to all the vicissitudes to which that, from its character, is liable to undergo.

Nor have I here contended for any thing opposed to the opinion of the Supreme Court of the Union; on the contrary, the principles, thus far, are clearly supported by the decisions of that tribunal.

In the case of the *Dartmouth College* against *Woodward*, (4 Wheaton, 629,) the court say: "The parties in this case differ less on general principles, less on the true construction of the Constitution in the abstract, than on the application of those principles to this case. This is the point on which the cause essentially depends. If the act of incorporation be a grant of political power; if it create a civil institution, to be employed in the administration of the Government, &c., the subject is one in which the Legislature may act according to its own judgment, unrestricted by any limitation of its power, imposed by the Constitution of the United States."

And, again, in the same opinion, page 638, say the court: "The character of civil institutions does not grow out of their incorporations, but out of the manner in which they are formed, and the objects for which they are created. The right to change them is not founded on their being incorporated, but on their being the instrument of Government, created for its purposes."

Now, the inference deducible from this opinion, is perfectly clear in its application to the question before us; which has also been decided by that court, in the case of *McCulloch* against the State

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of Maryland, (same book, 436.) "This," say the court, "is a tax on the operations of the bank, and 'is, consequently, a tax on the operation of an instrument employed by the Government of the Union to carry its powers into execution."

In fine, it has never been contended, that, in any other light, the act has even a pretended claim to Constitutional favor; and the whole reasoning of the court is to show that it may, within the meaning of that instrument, be a "necessary and proper" *mean*, in the hands of the Government, to carry her powers into effect.

Well, then, if the right to change depends on its being a grant of political power, on its being a civil institution to be employed in the administration of the Government, and created for its purposes, as the incorporation of the bank was a *mean* of the Government, laid hold of as a "necessary and proper" instrument to be employed in carrying her powers into execution, it follows, therefore, that the right to change it vests in the Legislature, to be exercised according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States.

Mr. President, in the investigation of this subject, I have avoided calling in question the Constitutional power of this Government upon subjects of this kind. It is enough, sir, that this has been the theme of speculation and altercation, for half an age, and we are precisely where we commenced; and I will venture to predict will be so in relation to this question in a century to come. We have oscillated from side to side, accordingly as circumstances favored the inclination. And it is truly a subject of that character, which, in the exercise of power, will ever depend on the degree of inclination and the strength of the will on the part of those who are called on to act. Power, sir, was never successfully arrested upon doubtful questions, in which both interest and will assumed their command, and especially if the public sentiment would lean to its exercise.

But, with regard to the judicial exposition of the power of this Government "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," as by the Constitution is defined, I will take the liberty to say, that it appears to me as if the court had supposed the Congress in possession of the whole political field, without seeming, for once, to have perceived that there was any boundary setting apart distinct parcels of ground—a line of limitation between national and State rights; that thus far it is national, and the residuary is State.

With this view of the subject kept distinctly before us, and we shall seldom err upon it, suppose it had been proposed in the convention, after having delegated to Congress the enumerated powers, to give, instead of "all other power which shall be necessary and proper for carrying into execution the foregoing powers," all other power which the Congress shall think fit, or expedient, or shall please to exercise. Is it believed that such proposition would have been sanctioned by that body? To believe this, we surely forget the very scrupu-

lous and jealous regard with which the convention must have acted in relation to State rights.

Whilst they were willing to give all "necessary and proper" power to carry into effect the powers delegated, they were unwilling to go farther, because to have done so, and given such power as the Congress should choose to exercise, might, in effect, by its incidental powers merely, impair and cripple the vigor of the remaining reserved and substantive powers; pare them down to a mere nominal existence, without the practical advantages of actual sovereign power within their own proper spheres.

The idea I will thus exemplify: I have a right to a spot of ground in your field, by a grant clearly defining it, and what shall be necessary and proper *as a way* to go to, to enjoy, and to return from it. But with what grace could I claim from this, as a necessary and incidental right, the privilege of selecting a choice of ways, without regarding, farther than I pleased, your rights, but going as will, whim, or ambition might incline me, over your best and most tender rights? Is it, therefore, to be wondered, that States should look toward this decision as if they had been unrepresented?

I come now, Mr. President, to examine that part of the subject which requires information to be laid before this Government, from some period hereafter, of the *names* of all those indebted in her banks, together with the *sums*, where the amount shall exceed a given sum, and have been of long standing.

The object, I hope, is not misunderstood, either as regards the borrower, the directory, or the public.

To restrain the former in his inordinate thirst for visionary speculation, pomp, and parade, I would warn him to look before him; not, sir, in the wide fields of hope and delusive gratification, resting upon the bounty and partiality of friends having at command banking capital, and indulging within closed doors and confidential trust; no, Mr. President, I would point him to a certain, real, and known ground, from which the world must see his situation within some reasonable period of limitation. And thus I would hope to effect two objects—first, to check his thirst for enormous loans; and, secondly, to incite him in due time to payment.

As relates to the directory, it would operate as a restraint on their disposition towards favorites, and prevent gross abuses of this important public privilege, by reminding them that they were not irresponsible to the society in which they live, and that, whenever they indulged to an excess of a pernicious tendency, as behind a dark veil to deep transgression, their deeds ought to be rendered into the hands of an injured people.

Standing this day as the Representative of a State, it is my duty to trace the causes connected with the subject of this inquiry, which have so materially contributed to the distressed situation of my country.

Let me but suppose bills to have been drawn to the amount of millions, if you please, sir, in favor of a few. With those bills they purchase up the circulating currency of the State, and drain her

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coffers. It requires no argument to prove how this is done. You can at once perceive, sir, that a credit without limit, and which is above par, may soon exhaust a limited capital. By pursuing the following inquiries, we shall arrive at the truth, and understand the result of this business:

1. That the banks of the United States have, by virtue of their credit merely, created a large debt.

2. That a great portion of this debt is unpaid, and the most of those in whose favor they have drawn, are yet their debtors.

3. That those persons, with the means thus furnished, have been enabled to supply themselves out of the money in the State, to live and speculate upon her wealth, and exhaust her resources.

Thus, sir, it is not difficult to perceive, that one may draw—another pay—and a third receive the benefit: that considerable sums have been drawn from us, is demonstrated from what we were then, and what we now are. Our money is gone, and you are not paid. Where, then, is the money? Shall I give you, Mr. President, a plain country answer? Gentlemen have lived upon it—it has been wasted in extravagance, and squandered in idleness, speculation, and dissipation. Yes, sir, we invited your bank among us—she came without money—by her credit she has pressed and distressed us—upon our substance she has lived, and has feasted her favorites. Are not these facts substantially correct? But, it may be asked, are not those who owe the money, our own citizens? This, sir, is the question, the very question which speaks the great propriety and necessity of knowing who they are; and this knowledge must come from the bank, or you cannot obtain it. But that it is all-important to know who they are, as regards the interest of the West, I beg leave to show you, by the following argument:

Who appoints the directors? The stockholders. Who are they? Men of great wealth, and mercantile houses, having an intimate connexion in trade, money, and interest, with wealthy European houses. Who want our flour—who purchase our tobacco? Those very gentlemen. How may they regulate the price? By draining all currency, and placing us in want and distress. And how can that be done? As has already been shown.

Now, Mr. President, without a wish to intimidate or give any alarm, I put this question: do you believe that a free people, covering a vast country, and without saying more about them, will submit to a *blindfolded* policy, which subjects them to such enormities? What is the security that those gentlemen will not, by themselves and others of their choice, draw bills of credit, by which, from sales to our merchants and others, they can receive in payment our money, and thus draw it from us; and then turn round and purchase according to our wants and necessities, not only our produce, but likewise our homes, and even the beds from under our children?

Say the best of it, sir, and the only repose you can give, is upon the integrity, the impartiality, and the justice, of the directors. But yet the old question recurs, and will again and again arise—

suppose they are not impartial and are not just? Then the answer is, it is wrong that we should know it, or have any other check against its repetition. And, whilst you would administer to us the comfort derivable from the fact, that there are honorable gentlemen of great integrity in those institutions, we are, nevertheless, fearful of that predominant passion of man, avarice: an inordinate thirst for wealth and power. Is it, then, that our best hope is, that man is without avarice, unjust avarice, and free from ambition? If he is, then, verily, we are safe—otherwise, we have no security. Their deeds are in secret. How, sir, would this doctrine sound, that even the act of this national assemblage, who come from the bosoms of the people, however vitally important to them, must continue to roll on in profound mystery and secrecy?

What safety have we that money—this heavy and attractive metal—may not be drawn into the scale of political freedom? Will you stand surety, sir, that in the choice of directors this question never secretly steals along to an inclining cast—what are the politics of this and of that man? Who will he favor with money? And how may those means be advantageously employed? Sir, we who are poor, and whose poverty you have stript, but who are not bereft of a more intrinsic worth, protest most solemnly against every thing conducing to such an event. And as we will not give, so neither do we want any sordid advantage, or Judas arts, to make proselytes or sustain our faith.

But, again, suppose, sir, this dark and hidden influence to extend across the Atlantic; that a foreign ministry may be able to operate upon her houses of wealth; that those houses are, in trade and interest, deeply connected with your own mercantile and wealthy houses; that, by bills of credit and a well-concerted policy, they drain us of our money, as preparatory to a more effectual blow upon our weakness. Where is the vigilant, political eye, which is ever on the alert against advantage, and always attentive to passing events? It is as if behind a dark cloud; all is as if in obscure and silent death, from the foreign court down even to a western vault, till the plan is matured and the blow given.

But this, we shall be told, is all imaginary, and quite improbable. Grant that it is so. And here is the repose of our hope. But would you be willing to give to the President of this nation, the man of the people, such vast, concealed, and irresponsible power over millions? Would the Congress herself dare to assume the immense power over the united wealth of themselves and others, under the sanction of secret, legal operation, without responsibility for political abuse?

It is not as against particular men, but upon general principle, I would hope to act. With some of the gentlemen in the directory I have a personal acquaintance; they are respectable and very worthy men. Some of them, placed in this station, would do credit to themselves and justice to their country. Change places, and they would demand of us an exhibition of our deeds, which so deeply

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concern the public welfare and impartial justice. But, sir, they are but men, having, as they suppose, the bright prospect of wealth before them—speculation, in her tinsel attire, with all her seductive charms, presented to their taste, and the full means at command.

And thus it is, that whilst not one, perhaps, in five hundred, possibly in a thousand, of the free men of a State, have been able to obtain accommodations of very moderate sums, and for quite limited periods, possessing, too, both the ability and character for punctuality to refund, others have received ten, twenty, fifty, and even as high as a hundred thousand dollars. This is not mere conjecture; nor does it depend upon deduction or argument. It is a fact which will not be denied.

But, I would by no means be understood to say, that all the money thus obtained, has been applied to the objects of extravagance and dissipation. On the contrary, I believe, some has been employed in laudable enterprise and useful improvements; and, in some instances, to purposes of private and just convenience. But, I apprehend, those instances are but few, compared with the immense sums drawn from the States.

With respect, Mr. President, to the last proposition, little need be said. The object of which is to enable persons interested in the information, to obtain it from the bank, relative to the situation of any one therein indebted.

To this it is objected, that, to disclose the situation of a debtor, might injure his credit—bring upon him his creditors without mercy—embarrass his arrangements—and deprive him from the benefit of advantages, which otherwise he might have obtained. This is all true. But, on the other hand, it is quite possible, that, instead of working out of debt, he may work farther in; and it seems but fair, that he who sustains the risk incident to the indulgence, or as a security, ought not to be refused the information necessary to a correct exercise of his own free will. The bank ought not to claim the privilege of being generous at the risk and expense of others.

But, this rule, I apprehend, is more the result of an intended advantage over other creditors. The directory know the situation of the debtor, and know, of course, when, and in what manner, to proceed to secure themselves. They may extend his credit at the very moment when they perceive his insolvency is probable, for the purpose of enabling him to command other resources; or, possibly, in order to enable some endorsers to get off and procure others on his paper. As respects other debtors, creditors are on equal ground. Besides, truth ought never to be suppressed, in order to accomplish possible good, rather than be disclosed in order to prevent an injury equally probable, and do justice to the innocent. Upon this point, however, I have less solicitude. The others I consider as vitally important to the peace and prosperity of the people.

Mr. President, I have done. The course is before the bank—whether she will adopt any measure in aid of the distressed state of the country, which she has been so instrumental in producing; or whether she will continue to repose upon the fos-

tering indulgence of this Government, as towards a favorite, but, spoilt child, time must unfold. But, with this House, the question is different. Is it politic and right to continue in a State, against her will, an institution, public in its character, but speculative in its practice, to the inevitable disturbance of governmental unity, and the disaffection of the people? For, let it be remembered, that their withdrawal would only be requested, under circumstances conducing to that event. And will you lay no restraint upon that course of policy and of favoritism, which is so fully calculated to place the wealth and prosperity of a State at the feet of a corporation?

Be it so, then, sir: the decision of this House shall be my rule of conduct; but not, sir, the test of my conviction. I will, therefore, again and again, at the proper time and on the proper occasion, wrestle with these questions, as with strong faith, to ultimate success. Inspire unity, interest, and prosperity; or depart the bosom of the State.

When Mr. L. had concluded—

Mr. WILSON, of New Jersey, called for a division of the question on the resolutions; and, no further debate ensuing,

The question was taken on the first resolution, and decided in the negative—ayes 12, noes 24.

The question was then put on the two remaining resolutions, successively, without debate, and also decided in the negative, without a division; but few voices being heard in the affirmative.

WEDNESDAY, January 5.

The PRESIDENT communicated a letter from the Secretary of War, transmitting a copy of the Army Register, for each member of the Senate, conformably to a resolution of the Senate, of December, 1815; and the letter was read.

Mr. SANFORD presented the memorial of the Chamber of Commerce of the city of New York, on the subject of the discriminating duties established in France on the staple products of this country, representing the evil consequences resulting to the shipping interest of the United States therefrom, and praying relief; and the memorial was read, and referred to the Committee on Foreign Affairs.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Noah Brown and others, and the further consideration thereof was postponed until the second Monday in February next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for obtaining accurate statements of the foreign commerce of the United States; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

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Pennsylvania Resolutions—Slavery in the New States.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing a circuit court within and for the District of Maine; and the bill having been amended, it was reported to the House accordingly, and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

Mr. VAN DYKE, from the Committee on Pensions, made the following report, which was read:

The Committee on Pensions, to whom was referred a resolution of the Senate, of December 20, 1819, instructing the said committee to inquire into the expediency of reviving the act of 1806, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war," which expired at the close of the last session of Congress, report:

That they have examined the subject embraced in the said resolution, and, finding that persons placed on the pension list, in pursuance of the act of 1806, may continue to receive their pensions as heretofore, by complying with the provisions of the act, entitled "An act regulating the payments of invalid pensioners," approved 3d March, 1819; and believing that most, if not all the cases, that would come within the act of 1806, if revived, may be relieved under the more liberal provisions of the act of 18th March, 1818, the committee are, therefore, of opinion, that it is not necessary or expedient to revive the act in the said resolution mentioned.

The bill from the other House, making a partial appropriation for the military service of the year 1820, was, on motion of Mr. WILLIAMS, of Tennessee, re-committed to the military committee, who subsequently reported two amendments (appropriating for the national armories fifty-six thousand dollars, and for arrearages on the settlement of outstanding claims fifty thousand dollars,) which amendments were agreed to, and the bill, thus amended, was ordered to a third reading.

The Senate then, according to the order of the day, took up the bill declaring the consent of Congress to the admission of the State of Maine into the Union; when,

On the motion of Mr. MELLE, the said bill was postponed for four weeks.

[Though nothing was said on this motion, it may be proper to explain that the reason of the mover for making, and of the Senate for agreeing to it, was understood to proceed from an intention of relinquishing the further consideration of this bill, and of taking up the bill on the same subject which has already passed the House of Representatives, and been received and referred to a committee in the Senate.]

Mr. DANA offered the proceedings and resolutions of the town meeting of New Haven, Connecticut, expressing their opinion that Congress have the right to prohibit the admission of slavery into any State or Territory, hereafter to be formed and admitted into the Union, and that the admission of slavery into any such State or Territory would be opposed to the genius and spirit of our Government, and injurious to the highest interests of the nation, and requesting the Senators and Representatives from that State, in Congress, to use their exertions to prevent the further extension

of slavery in the United States; which were received and read.

Agreeably to notice given, Mr. TICHENOR asked and obtained leave to bring in a bill for the better organization of the Treasury Department; and the bill was read, and passed to the second reading.

RESOLUTIONS OF PENNSYLVANIA.

Mr. LOWRIE offered the following proceedings of the Legislature of Pennsylvania, which were received and read.

"That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness," are the fundamental principles of republicanism.

To prevent the peace, safety, and happiness of the people from being endangered, political orthodoxy teaches that they ought never to delegate a power which they can exercise with convenience to themselves.

In proportion as the capital of a moneyed institution is increased, its branches extended, and its direction removed from the body of the people, so also will be increased its power and inclination to do evil and to tyrannize. Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment be proposed to the Constitution of the United States, viz: Congress shall make no law to erect or incorporate any bank or other moneyed institution, except within the District of Columbia; and every bank or other moneyed institution which shall be established by the authority of Congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia.

Resolved, That our Senators and Representatives in Congress be requested to use their exertions to procure the adoption of the foregoing amendment.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble, proposed amendment, and resolutions, to each of our Senators and Representatives in Congress; and also to transmit like copies to the Executives of the several States, with a request that they lay the same before the Legislatures thereof, soliciting their co-operation in procuring the adoption of the foregoing amendment.

REES HILL,

Speaker of the House of Reps.

ISAAC WEAVER,

Speaker of the Senate.

Approved, March 29, 1819.

WILLIAM FINDLAY.

SLAVERY IN NEW STATES.

Mr. ROBERTS offered the following proceedings of the same Legislature, which were also received, and read:

Resolutions relative to preventing the introduction of Slavery into new States.

The Senate and House of Representatives of the Commonwealth of Pennsylvania, whilst they cherish the right of the individual States to express their opinions upon all public measures proposed in the Congress of the Union, are aware that its usefulness must in a great degree depend upon the discretion with which it is exercised. They believe that the right ought not to be resorted to upon trivial subjects or unimpor-

tant occasions, but they are also persuaded that there are moments when the neglect to exercise it would be a dereliction of public duty.

Such an occasion as in their judgment demands the frank expression of the sentiments of Pennsylvania is now presented. A measure was ardently supported in the last Congress of the United States, and will probably be as earnestly urged during the existing session of that body, which has a palpable tendency to impair the political relations of the several States; which is calculated to mar the social happiness of the present and future generations; which, if adopted, would impede the march of humanity and freedom through the world, and would affix and perpetuate an odious stain upon the present race;—a measure, in brief, which proposes to spread the crimes and cruelties of slavery from the banks of the Mississippi to the shores of the Pacific.

When measures of this character are seriously advocated in the republican Congress of America, in the nineteenth century, the several States are invoked by the duty which they owe to the Deity, by the veneration which they entertain for the memory of the founders of the Republic, and by a tender regard for posterity, to protest against its adoption, to refuse to covenant with crime, and to limit the range of an evil that already hangs in awful boding over so large a portion of the Union.

Nor can such a protest be entered by any State with greater propriety than by Pennsylvania. This Commonwealth has as sacredly respected the rights of other States as it has been careful of its own. It has been the invariable aim of the people of Pennsylvania to extend to the universe, by their example, the unadulterated blessings of civil and religious freedom. It is their pride, that they have been at all times the practical advocates of those improvements and charities amongst men which are so well calculated to enable them to answer the purposes of their Creator; and, above all, they may boast that they were foremost in removing the pollution of slavery from amongst them.

If, indeed, the measure against which Pennsylvania considers it her duty to raise her voice, was calculated to abridge any of the rights guaranteed to the several States; if, odious as slavery is, it was proposed to hasten its extinction by means injurious to the States upon which it was unhappily entailed, Pennsylvania would be amongst the first to insist upon a sacred observance of the Constitutional compact. But it cannot be pretended that the rights of any of the States are at all to be affected by refusing to extend the mischiefs of human bondage over the boundless regions of the West, a territory which formed no part of the Confederation at the adoption of the Constitution; which has been but lately purchased from an European Power by the people at large; which may or may not be admitted as a State into the Union at the discretion of Congress, which must establish a Republican form of government, and no other; and whose climate affords none of the prettexts urged for resorting to the labor of natives of the torrid zone. Such a territory has no right, inherent or acquired, such as those States possessed which established the existing Constitution. When that Constitution was framed, in September, seventeen hundred and eighty-seven, the concession that three-fifths of the slaves in the States then existing should be represented in Congress, could not have been intended to embrace regions at that time held by a foreign Power. On the contrary, so anxious were

the Congress of that day to confine human bondage within its ancient home, that, on the thirteenth of July, seventeen hundred and eighty-seven, that body unanimously declared that slavery or involuntary servitude should not exist in the extensive territories bounded by the Ohio, the Mississippi, Canada and the Lakes. And in the ninth section of the first article of the Constitution itself, the power of Congress to prohibit the migration of servile persons after the year eighteen hundred and eight, is expressly recognised; nor is there to be found in the statute book a single instance of the admission of a Territory to the rank of a State, in which Congress have not adhered to the right vested in them by the Constitution, to stipulate with the Territory upon the conditions of such admission.

The Senate and House of Representatives of Pennsylvania, therefore, cannot but deprecate any departure from the humane and enlightened policy, pursued not only by the illustrious Congress of 1787, but by their successors, without exception. They are persuaded that, to open the fertile regions of the West to a servile race, would tend to increase their numbers beyond all past example, would open a new and steady market for the lawless venders of human flesh, and would render all schemes for obliterating this most foul blot upon the American character, useless and unavailing.

Under these convictions, and in full persuasion that upon this topic there is but one opinion in Pennsylvania—

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to vote against the admission of any Territory as a State in the Union, unless “the further introduction of slavery or involuntary servitude, except for the punishment of crimes, whereof the party shall have been duly convicted, shall be prohibited; and all children born within the said Territory, after the admission into the Union as a State, shall be free, but may be held to service until the age of twenty-five years.”

Resolved, That the Governor be and he is hereby requested to cause a copy of the foregoing preamble and resolution to be transmitted to each of the Senators and Representatives of this State in the Congress of the United States.

JOSEPH LAWRENCE,

Speaker of the House of Representatives.

ISAAC WEAVER,

Speaker of the Senate.

APPROVED—The 22d day of December, 1819.

WILLIAM FINDLAY.

THURSDAY, January 6.

The PRESIDENT communicated a report of the Secretary of War, comprehending statements of the expenditure and application of all such sums of money as have been drawn from the Treasury by the Secretary of War from the 1st of October 1818, to the 30th of September, 1819, inclusive, in virtue of the appropriation laws of 1819, and of the unexpended balances of former appropriations remaining in the Treasury on the 1st of October, 1818; prepared in obedience to the 1st section of the act of the 3d of March 1809, further to amend the several acts for the establishment and regula-

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tion of the Treasury, War, and Navy Departments; and the report was read.

The PRESIDENT also communicated a similar report of the Secretary of the Navy, and also a letter from him transmitting for the use of the Senate seventy-five copies of the Naval Register; and the report and letter were respectively read.

The PRESIDENT also communicated the petition of Ann Wilson, in behalf of herself and others, praying that provision may be made for funding certain loan office and other certificates and continental money in their possession, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill for the relief of Christopher Fowler, reported the same without amendment, accompanied by a report recommending that the bill be rejected; and the report was read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of David Henley, late of Knoxville, Tennessee, reported a bill authorizing payment to be made for certain muskets impressed into the service of the United States; and the bill was read, and passed to the second reading.

Mr. PARROTT presented the memorial of merchants and others, of Portsmouth, New Hampshire, in favor of a national bankrupt law; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. DICKERSON presented the memorial of Thomas Leiper and others, citizens of Pennsylvania, praying that the tariff may be revised in such a mode as to revive our drooping manufactures, and afford effectual protection of the national industry; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the report of the Committee on Finance, upon the petition of Joshua Nevill, and, in conformity thereto, resolved, that the prayer of the petition be not granted.

Mr. VAN DYKE submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire whether any amendment be necessary to the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War," approved March 18th, 1818, the better to insure the execution of the said act, according to its true spirit and intention, and whether it be expedient, in any respect, to amend or modify said act.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act to regulate and fix the compensation of the clerks in the different offices,' passed the 20th day of April, one thousand eight hundred and eighteen," reported the same with an amendment, which was read.

Mr. SMITH, from the committee to whom had been referred the bill for the admission of Maine, reported the same with an amendment.

[This amendment is the whole of the bill to authorize the people of Missouri to form a constitution, &c., without restriction.]

The report being before the Senate—

Mr. PINKNEY, after adverting to the magnitude of the question involved in this amendment, and the importance of a full examination, clear understanding, and correct decision of it, moved that the bill be postponed to, and made the order of the day for, Thursday next.

This motion was agreed to, *nem. con.*

The bill, entitled "An act making a partial appropriation for the military service of the United States for the year 1820," was read a third time, as amended, and passed.

The bill to provide for obtaining accurate statements of the foreign commerce of the United States was read a third time, and passed.

The bill for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased, was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of James Hughes;" a bill, entitled "An act for the relief of the legal representatives of Philip Barbour, deceased;" and, also, a bill, entitled "An act for the relief of the heirs of Anthony Burk," in which bills they request the concurrence of the Senate.

The said three bills were read, and severally passed to the second reading.

The bill, entitled "An act for the relief of James Hughes," was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of the legal representatives of Philip Barbour, deceased," was read the second time by unanimous consent, and referred to the same committee.

The bill, entitled "An act for the relief of the heirs of Anthony Burk," was read the second time by unanimous consent, and referred to the Committee of Claims.

Mr. JOHNSON, of Kentucky, presented the memorial of the Legislature of the State of Kentucky, in behalf of Christopher Miller, praying that adequate provision may be made for him in consideration of services rendered under General Wayne, as stated in the memorial; which was read, and referred to the Committee on Pensions.

Mr. LLOYD presented the memorial of Samuel and W. Meeteer and others, manufacturers, dealers in, and consumers of paper, residing in Baltimore, praying that a duty per lb. sufficient to protect the American manufacturer, be laid on all paper imported into the United States; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

The Senate adjourned to Monday morning.

MONDAY, January 10.

Mr. TAYLOR presented the memorial of John Badollet, register of the land office for the district of Vincennes, praying compensation for certain extra services, as stated in the memorial;

which was read, and referred to the Committee on Public Lands.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act in addition to the act making appropriations for the support of the Navy of the United States, for the year 1819," reported the same without amendment.

Mr. SANFORD presented the memorial of the inhabitants of the city of Schenectady, in the State of New York, on the subject of the further extension of slavery in this country, expressing the opinion that Congress possess the Constitutional authority to prohibit it, and praying the same may be prohibited in any new State admitted into the Union, beyond the limits of the original territory of the United States; and the memorial was read.

Mr. SANFORD also presented the memorial of the Chamber of Commerce of the city of New York, praying the passage of a law establishing a general system of bankruptcy throughout the United States; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Lathrop Davis, praying an increase of pension, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

Mr. LANMAN presented the memorial of citizens of Middletown and its vicinity, in the State of Connecticut, praying that adequate protection may be extended to domestic manufactures, for reasons stated in the memorial; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. Mellen presented the proceedings of the meeting of the inhabitants of the town of South Berwick, in the State of Massachusetts, on the subject of the further extension of slavery in this country, and praying the same may be prohibited in any new State which may be hereafter admitted by Congress into the Union; which were read.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, transmitting a copy of a special report of the Register and Receiver of public moneys of the Eastern District of the State of Louisiana; and the letter and report were read.

The PRESIDENT also communicated a report of the Commissioners of the Navy Pension Fund, containing statements in relation to that fund, made in obedience to the "Act for the better government of the navy of the United States;" and the report was read.

Mr. HORSEY presented the petition of the President and Directors of the Bank of the Metropolis, praying a renewal of their charter; and the petition was read, and referred to the Committee for the District of Columbia.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of James Wood, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Thomas Hightower, also made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. BURRILL presented the proceedings and memorial of the citizens of the State of Rhode Island and Providence Plantations, assembled at the State House, in Providence, on the subject of the further extension of slavery in this country, and praying the same may be prohibited in any new State which may be hereafter admitted by Congress into the Union; and also the address of the representatives of the yearly meeting of Friends in New England on the same subject; which were severally read, and referred to the Committee on the Judiciary.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred the bill entitled "An act for the relief of the heirs of Anthony Burk," were discharged from the further consideration thereof, and it was referred to the Committee on Public Lands, to consider and report thereon.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of allowing to officers of the army a specific sum monthly, in lieu of their present pay, rations, and other emoluments.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of the legal representative of Philip Barbour, deceased," reported the same without amendment.

Mr. JOHNSON, of Louisiana, presented the petition of William Wikoff, of the county of Opelousas, in the Territory of Orleans, praying the confirmation of his title to certain land therein stated; and also the petition of Abraham Mace, of the State of Louisiana, making a similar prayer; and the petitions were severally read, and referred to the Committee on Public Lands.

Mr. NOBLE presented the petition of Alexander Irwin, of the county of Franklin, and State of Indiana, praying an increase of pension, for reasons stated in the petition; which was read, and referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for the appointment of a Surveyor General, for the United States, for the State of Louisiana, whose official duties shall be confined to the State.

Mr. THOMAS submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing additional districts, for the sale of public lands, in the State of Illinois.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred a resolution of the Senate, of Decem-

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ber 20th, 1819, instructing them to inquire into the expediency of reviving the act of 1806, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war," which expired at the close of the last session of Congress; and in concurrence therewith,

Resolved, That it is not necessary or expedient to revive the act in said resolution mentioned.

The Senate resumed the consideration of the motion of the 6th instant, for instructing the Committee on Pensions to inquire whether any amendment be necessary to the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," approved March 18th, 1818, the better to insure the execution of the said act, according to its true spirit and intention, and whether it be expedient in any respect to amend or modify said act, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Christopher Fowler; and, on motion by Mr. BURRILL, the further consideration thereof was postponed until the second Monday in February next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act to regulate and fix the compensation of the clerks in the different offices,' passed the 20th of April, 1818," together with the amendment reported thereto by the Committee on Finance; and, the amendment having been agreed to, the bill was reported to the House amended accordingly; and, the amendment being concurred in, the bill was ordered to be read a third time as amended.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of the President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and, on motion by Mr. LANMAN, the further consideration thereof was postponed until Wednesday next.

Mr. EATON submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any amendments can be made in the criminal code of the United States, by which to punish persons guilty of forging papers, or vouchers necessary to the establishment of any claims now, or hereafter to be brought against the Government of the United States.

The bill establishing a circuit court within and for the District of Maine, was read a third time, and passed.

The PRESIDENT communicated a report of the Secretary of State, made in pursuance of an act of Congress, passed 2d March, 1799, entitled "An act to revive and continue in force certain parts of the act for the relief and protection of American seamen, and to amend the same," containing abstracts of all the returns made to that Department,

by the collectors of the different ports, for the years 1818 and 1819; and the report was read.

Mr. HUNTER gave notice that to-morrow he should ask leave to bring in a bill, to continue in force an act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d March, 1817.

Mr. SANFORD presented the petition of the manufacturers of boots and shoes, in the city of New York, praying an increase of duty on the importation of such articles, so as to extend to them an adequate protection; and the petition was read, and referred to the Committee on Commerce and Manufactures.

TUESDAY, January 11.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of United States infantry," in which bill they request the concurrence of the Senate.

The said bill was twice read by unanimous consent, and referred to the Committee of Claims.

Mr. SANFORD presented the memorial of the Chamber of Commerce of the city of New York, recommending the continuance of the present mode of collecting duties on importations, but in favor of levying two and an half per cent. upon package sales, and of five per cent. for sales of smaller quantities, at auctions, with certain exceptions; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. MORRIL, from the Committee of Claims, to whom was referred the bill, entitled "An act allowing Sarah Allen the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his service as a private in the late war," reported the same without amendment.

Mr. THOMAS presented the petition of the Legislature of the State of Illinois, praying that the right of pre-emption may be extended to certain settlers in said State, as stated in the petition; which was read, and referred to the Committee on Public Lands.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, reported a bill making further provision for the sale of the public lands; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Military Affairs to inquire into the expediency of allowing to officers of the Army a specific sum monthly, in lieu of their present pay, rations, and other emoluments, and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Public Lands to inquire into the expediency of establishing additional districts for the sale of public lands in the State of Illinois, and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Com-

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mittee on the Judiciary to inquire whether any amendments can be made in the criminal code of the United States, by which to punish persons guilty of forging certain vouchers, and agreed thereto.

The bill providing for the better organization of the Treasury Department was read the second time, and referred to the Committee on Finance.

The bill authorizing payment to be made for certain muskets impressed into the service of the United States was read the second time.

The bill, entitled "An act supplementary to the act entitled 'An act to regulate and fix the compensation of the clerks in the different offices,' passed the 20th of April, 1818," was read a third time as amended, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 20th of January, 1819, requesting me "to cause a report to be laid before them at their next session, of such facts as may be within the means of the Government to obtain, showing how far it may be expedient, or not, to provide by law for clothing the Army with articles manufactured in the United States," I transmit a report from the Secretary of War, which, with the accompanying documents, comprehends all the information required by the Senate in their resolution aforesaid.

JAMES MONROE.

WASHINGTON, Jan. 8, 1820.

The Message, together with the accompanying report and documents, was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act in addition to the act making appropriations for the support of the Navy of the United States, for the year 1819;" and, no amendment having been made thereto, it was reported to the House, and ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the legal representative of Philip Barbour, deceased;" and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Lathrop Davis, praying an increase of pension; and, in conformity thereto, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of James Wood; and the further consideration thereof was postponed until Tuesday next.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Thomas Hightower; and, in conformity thereto, resolved that the prayer of the petitioner ought not to be granted.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be directed to inquire into the expediency of making such alterations in the system of Indian trade as will be better calculated to secure the peace of the frontier, and to promote the civilization and happiness of the Indians.

Mr. ROBERTS submitted the following motion for consideration:

Resolved, That the committee appointed under the rule of the Senate (late 42) be directed to inquire whether any regulation be expedient to increase the number of copies of the Journals and State Papers hereafter to be printed by order and for the use of the Senate.

Mr. HUNTER asked and obtained leave to bring in a bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d of March, 1817; and the bill was read and passed to the second reading.

Mr. HORSEY, from the Committee for the District of Columbia, to whom was referred the resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States, reported the same with an amendment, which was read.

WEDNESDAY, January 12.

The PRESIDENT communicated a report of the Secretary of the Treasury, exhibiting the sums respectively received by each clerk in the several offices of that department, for services rendered during the year 1819, made in obedience to the provisions of the act of April 21, 1806, to regulate and fix the compensation of clerks; and the report was read.

The PRESIDENT also communicated the petition of John Taylor, of the city of New York, who was a mariner on board the revenue cutter Active, in the service of the United States; and, while in the discharge of such service, received a gunshot wound, which disabled him, and praying a pension in consideration thereof; and the petition was read, and referred to the Committee on Pensions.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the petition of Thomas Chapman, collector of the customs for the district of Georgetown, in the State of South Carolina, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom the subject was referred, reported a bill confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; and the bill was read, and passed to a second reading.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Edward Barry and George Hodge, made a report, accompanied by a resolution, that the petitioners have leave to withdraw their petition.

Mr. SMITH, from the Committee on the Judi-

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ciary, to whom was referred the memorial of a number of merchants of Boston, and other towns in Massachusetts; a memorial of the Chamber of Commerce of the city of Philadelphia; a memorial of the Chamber of Commerce of New Haven, Connecticut; a memorial of merchants and others of Portsmouth, New Hampshire, and the Chamber of Commerce of the city of New York, all praying for the passage of a bankrupt law, reported a bill to establish a uniform system of bankruptcy throughout the United States; and the bill was read, and passed to the second reading.

Mr. SMITH, from the same committee, to whom was referred the resolution of the Senate, directing them to inquire what provisions are necessary to give effect to the laws of the United States in the State of Alabama, reported a bill to establish a district court in the State of Alabama; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the tenth instant, for instructing the Committee on Public Lands to inquire into the expediency of providing by law for the appointment of a Surveyor General of the United States for the State of Louisiana, whose official duties shall be confined to the State, and agreed thereto.

The Senate resumed the consideration of the motion of the eleventh instant, for instructing the committee appointed under the rule of the Senate, (late 42,) to inquire whether any regulation be necessary to increase the number of copies of documents hereafter to be printed for the use of the Senate; and agreed thereto.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Phineas Cole, of New Hampshire, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition.

The bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d of March, 1817, was read the second time.

The bill making further provision for the sale of public lands, was read the second time.

The bill, entitled "An act in addition to the act making appropriations for the support of the navy of the United States, for the year 1819," was read a third time, and passed.

The bill, entitled "An act for the relief of the legal representative of Philip Barbour, deceased," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing payment to be made for certain muskets impressed into the service of the United States; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States, together with the amendment reported thereto, by the Committee for the District of Columbia; and the amendment having been agreed to, it was reported to the House, amended accordingly; and

the amendment being concurred in, the resolution was ordered to be read a third time, as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act allowing Sarah Allen the bounty land and pay which would have been due to her son Samuel Drew, had he lived, for his services as a private in the late war;" and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

Mr. HUNTER presented the memorial of the inhabitants of the town of Newport, in the State of Rhode Island, praying that a provision may be inserted in the bill, now pending before Congress, authorizing the people of the Territory of Missouri to form a State government, and for other purposes, forbidding the extension of slavery in said State; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the petition of W. B. Irish and others, reported a bill for altering the times for holding the court of the United States for the western district of Pennsylvania; and the bill was read, and passed to the second reading.

Mr. PARROTT presented the memorial of Thomas Sheafe and others, citizens of Portsmouth, New Hampshire, representing the great disadvantages experienced by American shipping, in our intercourse with France, and other foreign nations, and praying relief; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. ROBERTS presented the petition of James Brady, of Pennsylvania, praying the renewal of two land warrants for Revolutionary bounty lands, stated to have been deposited, by his order, in the Land Office, and which cannot now be found; and the petition was read, and referred to the Committee on Public Lands.

The Senate then resumed the consideration of the joint resolution introduced by Mr. DICKERSON, to amend the Constitution so as to produce an uniform mode of electing Electors of President and Vice President of the United States, and members of the House of Representatives.

Mr. BARBOUR, of Virginia, delivered his objections at large to the policy of the resolution and the amendment proposed to the Constitution.

Mr. DICKERSON replied, and supported his proposition.

He was followed by Mr. MORRIL, in favor of the proposition; and, after some incidental remarks by Mr. DANA, the further consideration of the subject was, on motion of Mr. LOWRIE, postponed to Wednesday next.

INDIAN AFFAIRS.

The resolution, offered yesterday by Mr. JOHNSON, of Kentucky, proposing an inquiry into the expediency of making further provision for the amelioration of the condition of the Indians, and for securing the peace of the frontiers, came up for consideration—

Mr. JOHNSON, of Kentucky, said, that the resolution originated in a perusal of the report on that

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important movement of the Government called the Yellow Stone Expedition. It was my intention, yesterday, to have given a summary of my views in relation to that subject; but declined it, from the conviction that a more suitable opportunity would offer, on the maturity of some measure which must grow out of it. The measure which the resolution contemplates is in accordance with the policy pursued by the Government, from its commencement, in relation to the natives, the amelioration of their condition, the blessings of civilization: and not a system of annihilation. The great means of influence over the sons of the forest, are, trade and intercourse; and as nothing can restrain the effects of this influence, they should be wisely regulated. It is a fact, established both by the report alluded to, and the most authentic information, that the avarice and profligacy of Indian traders has often had a direct tendency to counteract the benign effects of this policy, and to circumscribe the influence of benevolent societies, devoted to the work of their instruction in the precepts of Christianity.

While we have an army, its principal strength should be seated upon the western waters. The military establishments about to be made, are more important in the consequences which they involve, than those of any former period. It is expected, by every part of the nation, that the plan of the Executive will be prosecuted to its utmost design. Previous to this movement of the War Department, our whole Northwestern frontier, from the waters of Green Bay to the Arkansas, was protected by a single regiment. By the present arrangement, it has three times that force assigned to it, which is still but a small proportion, compared with the magnitude of the object. The most happy results are combined in this change. The greatest and most exposed territorial frontier of the whole nation now enjoys security; while the positions taken are equally favorable to the protection of our most defenceless maritime frontier, the Gulf of Mexico, through which all the commerce of the West must pass. The stations selected are well calculated to preserve the health of the troops; and, in case of danger, the facility and rapidity of the movement down the Mississippi and its tributary streams would meet in time the most sudden invasion.

To maintain these military posts, and to occupy them with a due proportion of our Army, I conceive, sir, to be a legitimate object of expenditure; and the Western sections of the Union expect a continuance of these operations.

I shall ever consider it my duty to promote the disbursement of a fair proportion of public money in the West, when it can be done to the benefit of the whole community. There are many objects of that character, some of which it may become necessary for me to present to the consideration of the Senate; for I give it as my opinion, and I believe it also to be in accordance with that of the Treasury Department, that a reasonable expenditure for objects of national utility in the West will not diminish the revenue, nor increase the amount of the financial deficiency. What is

thus circulated will go into the hands of the people; and, by enabling them to purchase public lands, and make payments on debts already contracted under fairer prospects, would return into the public coffers. The revenue in the West, I presume, has now accumulated to a million and a half of dollars, which cannot be withdrawn at this time, without draining it of all the silver and gold which it contains, to the ruin of thousands of its most meritorious citizens.

As to the economy which has been observed on this point, no individual will charge the War Department with extravagance. Any gentleman who will give himself the trouble to examine the transactions of that Department, will be fully satisfied that the most rigid economy has been uniformly observed ever since the administration of it devolved upon the present incumbent. In this particular case the only fear is, that the desire of executing this object at a small expense, may retard its accomplishment beyond the period contemplated.

In concluding I shall observe, that economy, at all times, should be regarded as a national virtue, and is especially desirable at this moment; but the whole nation is deeply interested in this Military Establishment, and its accomplishment is confidently expected by that section which I have the honor, in part, to represent.

[The resolution was agreed to.]

THURSDAY, January 13.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of James Hughes," reported the same without amendment.

Mr. SANFORD presented the memorial of the Governors of the New York Hospital, relative to distressed American seamen relieved by that institution, and praying remuneration; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. KING presented the memorial of the representatives of the county of Monroe in the Legislature of the State of Alabama, praying, in behalf of their constituents, that the lot containing the court-house, and three adjoining lots, making a square, in the town of Claiborne, the seat of justice for said county, for the county buildings, may be vested in the county, for the use and benefit of the same, free of any charge; and the memorial was read, and referred to the Committee on Public Lands.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of John Charlton and Elisha Douglas, of the District of Maine, praying pensions, made a report, accompanied by a resolution, that the petitioners have leave to withdraw their petition. The report and resolution were read.

The bill, entitled "An act allowing Sarah Allen the bounty and pay which would have been due to her son Samuel Drew, had he lived, for his services as a private in the late war," was read a third time, and passed.

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The resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States was read a third time, as amended, and passed.

The bill authorizing payment to be made for certain muskets impressed into the service of the United States, was read a third time, and passed.

MAINE AND MISSOURI.

The Senate having taken up the bill from the House of Representatives, for the admission of the State of Maine into the Union, on an equal footing with the original States, together with the amendment reported thereto, by the Judiciary Committee, which amendment embraces provisions for authorizing the people of the Territory of Missouri to form a convention, &c., preparatory to their admission into the Union—

Mr. ROBERTS, of Pennsylvania, rose, and said he felt it to be his duty to try the merits of these two subjects, by a preliminary motion to this effect:

“That the bill for the admission of the State of Maine into the Union, and the amendment thereto reported, be recommitted to the Judiciary Committee, with instructions so to modify its provisions as to admit the State of Maine into the Union” (divested of the amendment embracing Missouri.)

Mr. ROBERTS said, that the question involved in the amendment reported by the Judiciary Committee, would probably excite much feeling. For himself, however, he was determined to prepare to meet it with the temper and moderation which were due to it. But he wished, in entering upon it, there should be the most perfect regularity, and the most full opportunity for discussion. The question of the admission of Maine into the Union, was one question; that of the admission of Missouri another; and that of uniting the two in one bill, was a distinct question, for the purpose of obtaining an unembarrassed decision on which he had submitted the present motion. Mr. R. adverted to the progress, in the Senate, of the proposition for the admission of Maine into the Union. Very early in the session, he said, a communication had been received from a regular source, that a convention of the people of Maine, duly authorized thereto by an act of the Legislature of Massachusetts, had met and formed a constitution of State government. A bill had been duly reported, by a committee, for the admission of the State of Maine into the Union, and made the order of the day for a particular day. On that day, and on successive following days, it was postponed, for various reasons, on account of the absence of Members from different sections of the Union. At that time, Mr. R. said, he had no idea that there was an intention to connect the two subjects of Maine and Missouri; until a member from Virginia, in moving a further postponement of the bill, stated that he had some notion of endeavoring to connect the two questions. This proceeding struck him, on comparing it with the usual order of proceedings in this House, as a little curious, to say the least of it—though he did not mention it as a matter for censure, but as a mere statement of facts. On the 29th of Decem-

ber, said he, we find a memorial from the Legislature of Missouri is taken from the files of the House, and referred to the Judiciary Committee. Some days afterwards, a message is received from the House of Representatives, transmitting a bill for the admission of Maine into the Union, which is referred to the Judiciary Committee, and, the two subjects being thus before the same committee, they reported the bill for the admission of Missouri, by way of a rider to the bill which came from the other House for the admission of Maine. This, Mr. R. said, was an extraordinary mode of proceeding, which ought to be met at the threshold; and he knew not how it could be more directly met than by the motion which he had submitted. The motion to recommit, he said, was a regular motion, but was not to be made, he admitted, but in extraordinary cases. This was a case of that description. He appealed to gentlemen whether it was regular or even justifiable to connect in one bill two subjects totally distinct, as these in reality are? Maine, he said, was a part of the old territory of the United States; her constitution was already formed, with the consent of the State from which she was to be separated: there was no dispute about her limits, which were defined, nor about the justice of her claim to admission, which was admitted. There were many doubts about Missouri, with respect to her extent, boundaries, and population, without regard to other questions which might arise respecting her constitution, &c. The cases of Kentucky and Vermont had been cited as a precedent for this proceeding; but, Mr. R. said, they were admitted by separate bills, passed at different periods of the same session. Mr. R. said, for his part, he had no objection that the two bills for the admission of Maine and Missouri should pass on the same day; but they ought to pass separately and independently of each other. Standing, as they did, on different grounds, they ought to be decided on their own merits.

Mr. SMITH, of South Carolina, said, as chairman of the committee which reported the amendment, according to the ordinary usage when opposition arose, it became his duty to explain the reasons which operated with them in making that report, although the motion before the Senate did not present any distinct objection to it, but only sought to modify it. If the object of the resolution was to make the admission of Maine a part of the bill, the motion was nugatory, because Maine was already in the bill, as it came from the House of Representatives; and to recommit the bill for the purpose of introducing what was already there, could answer no sensible purpose. If the object was, to exclude Missouri, for the want of formality, or simplicity in the bill, the resolution ought to be rejected. There could be no good reason why they should be separated. The subject matter was perfectly congenial; and it was a correct rule in legislation to incorporate in the same statute all subjects that were homogeneous, and this principle accorded with the uniform practice of the Senate. But, if it had for its object the admission of Maine, and the total exclusion of Missouri from the privilege of a place in the Union, upon an

equal footing with the original States, it became more objectionable.

By the first clause of the third section of the fourth article of the Constitution, it is provided that "new States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the sanction of two or more States, or parts of States, without the consent of the States concerned as well as of the Congress." This part of the Constitution relates as well to States to be formed out of the newly acquired territory, as it did to new States, to be formed from the old States; so that no objection upon the ground of incongruity could be raised from that quarter. It was still the admission of States, under the same authority, into the same Union, to be governed by the same laws, and the same Constitution. The difference in the details of the separate sections in the bill, was no ground for separation. The details of one formed a separate discussion to that of the other, but that was applicable to all bills which contained separate sections. Separate and distinct subjects must, and do, exist, in the same bill, in every day's practice in this Senate. Numerous cases might be brought to view.

If any difference did exist between the two cases now before you, the preference was in favor of Missouri. The assent of Congress must first be had before Maine can be admitted; Congress was bound to admit Missouri, whenever she presented herself with such a population as you have been accustomed to recognise as sufficient in other cases, which Missouri now tenders, and claims her right of admission. This claim to the right of admission, on the part of Missouri, is founded on the third article of the treaty of cession under which the United States acquired the territory of Louisiana in full dominion. That article of the treaty is so explicit and definite it cannot be questioned. It says, "The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The terms here prescribed are imperative. Here is no condition annexed; but they *shall* be admitted into the Union. This treaty has become a part of the supreme law of the land. It is made so by the Constitution itself, and is as obligatory as the Constitution can be. The President and Senate of the United States are made competent to form any treaty they may deem proper, and such treaty is absolutely binding to the fullest extent of its stipulations. Upon this occasion, the words used are as appropriate as any in the English language. To incorporate, is defined, by a distinguished lexicographer, in these words, "to mingle different ingredients, so as they shall make one mass." In addition to this is the comprehensive and appropriate word Union. This

makes Missouri as much a component part of the Union as Maine, and as much an object of its care and protection. Where, then, exists the incongruity which forbids their junction in the same bill? By this treaty an express stipulation is entered into, in words as definite and appropriate as any the English language affords, to secure their rights of liberty and property. But this is said to be no more than the formula of a treaty. It would afford but a poor consolation to the inhabitants of a country which, in the destiny of nations, may be transferred from one sovereign to another, to be told, that all the plain and sensible stipulations securing to them their most sacred rights and dearest privileges, are but the formula of a treaty. It is an obligation which the faith of the nation is pledged to fulfil. Are there any rights attached to Maine that ought to be more sacredly guarded than those of Missouri, guarantied by this treaty? If there are not, why should Maine claim to approach this high station alone, disdaining and avoiding Missouri as her associate?

The Constitution in all its features points to Union. To secure a perfect Union, it has many provisions securing equal rights to the several States. And with this view it has ordained, among other things, that "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another." In another section it says, "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The preamble of the Constitution inculcates, in the strongest terms, justice and Union.

This, and many other provisions of the Constitution, point directly to an union of interest, and a perfect equality of rights; all of which demonstrate Maine and Missouri to be of the same subject-matter, and the same family of cases, and fit and proper subjects to be incorporated in the same bill, which shall lead them hand in hand into the great family of the nation.

The right of Missouri to admission into the Union on an equal footing with the original States, if not paramount to that of Maine, is in all respects equal. Maine is now fully represented in both branches of the National Legislature. As a part of Massachusetts she has the full benefit of all the talents of two gentlemen in the Senate, of distinguished abilities; in the House of Representatives she has all the benefit flowing from the talents of twenty distinguished gentlemen. The voice of Missouri is not heard in the Senate; she is dependant on strangers to present her grievances and demand her rights; whilst in the House of Representatives she is permitted, as a special favor, to send a delegate, with the poor privilege of uttering their complaints, without the smallest share of power to redress them; and this is given, not of right, but as a boon. At home, Maine is in the full possession of all the attributes of self-government; Missouri is in a state of vas-

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salage, with only the permissive government of a colony. With the high claim, on her side, to the same sovereignty with the original States, to form a constitution, as Maine has done, for her own self-government, guaranteeing to her citizens all the rights, advantages, and immunities of citizens of the United States, your committee, who reported the amendment, could not perceive any parliamentary practice which opposed the union of these two applicants in the same bill.

If the object of gentlemen who advocate the motion of the honorable gentleman from Pennsylvania, (Mr. ROBERTS,) intend, by separating the two questions, to give Maine precedency, in point of rank, among the other States, as that gentleman would seem to intimate, by bringing to our view the contention which prevailed between Vermont and Kentucky, which were contemporaneous applicants for admission into the Union, he, Mr. S., would have no objection to gratify gentlemen by consenting to the seniority of Maine; and, if it should better comport with their wishes, he would even consent that Maine should take her station next to her elder sister, New Hampshire. Therefore, he hoped that ground would not be suffered to oppose their union in the same bill.

Mr. S. said, it was hardly to be supposed that any portion of the people of these United States, so early after throwing off their colonial character, and emerging from a state of vassalage, and rising to a state of independence, could, for a moment, think of separating into different *castes*, like the Hindoos of Asia, and like them, too, disposed to interdict all communications, both political, religious, and moral, lest thereby they might be contaminated, and doomed to everlasting and irretrievable impurity. This would be arrogating to themselves too high a station in their early career of liberty and equality, so dear to Americans.

With this view of the subject, he could see no objection to the amendment offered by the committee.

Mr. Mellen, of Massachusetts, said, as he had presented the memorial of the convention, praying for the admission of Maine into the Union; and, as he was an inhabitant of that section of Massachusetts, it was natural to suppose that he felt an interest in the success of the bill under consideration. I do, sir, said he, feel an interest; and though on a former occasion I have expressed, in the Senate, my sentiments, in relation to the subject of the separation of Maine from Massachusetts, and have elsewhere frankly opposed the measure then in contemplation, circumstances have since given a new aspect to the question; an immense majority of the people of Maine have declared their opinion in favor of dissolving their connexion with Massachusetts, and becoming an independent State; Massachusetts has consented to their wishes; a constitution has been formed in a spirit of harmony, and it has been accepted by the people by a vote almost unanimous. In this state of things I cheerfully yield my own opinion, and am disposed to join the general wish, and aid in such measures as are still necessary to the completion of the great object in view. With this

avowal I proceed, sir, to state, that I am opposed to the amendment reported by the committee. I am opposed to it for several reasons. It will be recollected that the bill on the table has passed the House of Representatives in the simplest form—merely declaring the assent of Congress to the admission of Maine into the Union; the bill, so passed, has been sent to the Senate for concurrence; in the usual course it was referred to the Committee on the Judiciary, and they have reported it, with an amendment, consisting of a long bill for authorizing Missouri to form a constitution, as a preliminary step towards her admission into the Union at a future day. I confess, Mr. President, I did not anticipate this course; I had no authority to expect it; for though I am young in legislation, I am informed by those who are experienced, that such an amendment is a perfect novelty, to say the least of it. I have always found, sir, that the most correct course for a man of business to pursue is to adopt the very simple rule of doing one thing at a time, and doing it fairly and faithfully; that the proper mode of deciding causes in a court of justice, or questions in a legislative body, is to examine them distinctly, and decide each cause and each question upon its own merits; and, in order to ascertain those merits, apply principles and proof without confusion or embarrassment. I am desirous, sir, that, on the present occasion, this plain old-fashioned mode of proceeding may be adopted and pursued. It would be considered as a singular departure from the ordinary rules of managing the concerns of a court, to try two causes between different parties at the same moment and by the same jury; and for the judge to instruct this jury that they must, at all events, return their verdict in both causes for the plaintiffs, or both for the defendants, without any regard to the discriminating merits of the causes; and it would certainly appear more strange still, if, in one of the causes, there were no doubt or question about its justice; and yet that it must be sacrificed in company with the other, because the jury could not agree in a verdict as to this other. The case I have now stated shows the impropriety of this junction of the two bills. This is not consonant to the usage in similar cases. I refer to Kentucky and Vermont; they were both admitted into the Union at the same session, with an interval of only a few days, and yet separate acts of Congress were passed for the purpose.

It has been repeatedly stated that Maine stands fair as a candidate for admission into the Union. Why, then, should her application be refused or delayed? Massachusetts consents, the population is nearly three hundred thousand, the district is extensive in territory, and rising in respectability and reputation. Nothing now remains but the consent of Congress to enable her to assume the high and honorable character of an independent State, and reach that elevation to which she has so long been aspiring. In the next place, Mr. President, it is impossible not to perceive the manifest difference between the two bills. They bear no resemblance to each other. The one gives the simple assent of Congress to the admission of Maine, and operates

instantly; the amendment, or Missouri bill, is prospective, and has relation to several acts to be performed in future. It authorizes the inhabitants of Missouri to form a constitution on certain principles, and proposes terms and conditions which she may accept or reject at her pleasure. The constitution, when formed, is to be submitted to Congress, and if they then think proper, they may, next session, admit her into the Union, and cannot at an earlier period; and yet these two bills are considered so intimately connected in principle and object that the honorable chairman of the Judiciary Committee has observed that the committee could see no good reason why they should not be united in one.

I wish, Mr. President, the committee could have stated to the Senate any good reason why they should be thus united. This union has been pleasantly called (though with some confusion of sexes,) a marriage between Maine and Missouri; but they appear in awkward circumstances. I admit the marriage is not unlawful by reason of consanguinity; on the contrary, the parties never saw each other until a week ago; and now, at the very altar, one of them is protesting against the connexion.

Mr. President, we all understand this course of proceeding; and though on this motion to recommit the bill for the purpose of relieving it from the amendment, we are not admitted to discuss the great question which we are all anticipating in relation to Missouri, yet it is impossible not to perceive the object in view in this joinder of the bill; and to perceive that a long and laborious investigation of the Missouri question will take place, upon which a final decision may not be had till near the close of the session. In this view of the subject, peculiar difficulties and embarrassments present themselves, both as to Massachusetts and Maine. The Senate will recollect that, by the terms of the act of separation, passed by the Legislature of Massachusetts in June last, the consent of that Commonwealth was given on the condition that Maine should be admitted into the Union before the 4th of March next. This arrangement was necessary, because the annual election of State officers is to be made on the first Monday of April. That Legislature is now in session, in a state of utter uncertainty as to the course they are to pursue. Numerous alterations are to be made, suited to the change of circumstances produced by the separation of Maine. The Commonwealth is to be districted anew for the choice of Counsellors and Senators; the circuits of their Supreme Court to be arranged according to the new order of things; and yet, embarrassment here produces it there. All is in suspense and uncertainty.

With respect to Maine, this delay and embarrassment is producing greater anxiety and derangement still, and will, in all probability, completely defeat all their objects, and render ineffectual those measures which have been adopted by Massachusetts and Maine, relating to this expected separation. Thus far, all the proceedings connected with this subject have been matured on the part of Maine, preparatory to her entrance on the career of independence.

If the proposed measures with respect to this bill are to be sanctioned, the hopes of the good people of Maine will be disappointed, and their prospects all overcast. They have advanced to the very confines of the "promised land," and are just preparing to enter and possess it; but they will be compelled to turn aside and leave it, dissatisfied and disheartened. In using this language, sir, I sincerely believe I do no more than express the sentiments and feelings of a vast majority of that people; and, intrusted, as I am, with their memorial to Congress, it is my duty to represent them truly, and state those feelings and sentiments to the Senate.

Mr. President, I cannot close my observations without again calling the attention of honorable gentlemen to the principle of the proposed amendment. As well might a bill for increasing the duty on foreign manufactures for the purpose of protecting domestic, be united with one for establishing a uniform system of bankruptcy, calling one bill "Section 1," and the other "Section 2," as is done in the present instance. In such a manner, various interests, support, and opposition might all be brought into operation at once, but in a manner not the most happily calculated for the investigation of truth and correctness of decision. The tendency, if not the design of the union of subjects is, to induce a man to give up a measure which he sanctions and is anxious to promote, or else give up an opinion, which in his conscience he believes to be right, for the sake of obtaining his object.

The proposed amendment presents to the advocates of the Maine bill this plain proposition: If you will do what you believe to be wrong, we will do what all admit to be right; and we cannot consent to do it, in this particular case, on any other terms. The answer to such a proposition is obvious. I respectfully appeal to the candor of honorable gentlemen, whether any question ought to be associated and embarrassed in this manner; whether it is calculated to increase the independence of legislation, or render the avenues to truth more direct and plain? Maine, in her application to Congress, stands in no need of aid from Missouri. It is Missouri that leans on Maine for support. It would seem from this that she needs support. Whenever the Missouri question shall come regularly under discussion, my sentiments shall be expressed; till then, I am silent in relation to it. But should I, for any reason, be opposed to the admission of Missouri, or be unwilling to authorize her to make a constitution of the unrestricted kind presented to us in this amendment, this circumstance furnishes also a strong objection, in my mind, to the union of the two subjects. I hope, sir, the motion to recommit the bill, with instructions to restore it to its original form, will prevail.

Mr. SMITH said, with respect to the principles which had governed the Congress in the admission of Territories to the privileges of independent States, that the population of the State of Ohio, when admitted, was but 14,000; the population of Indiana was but 67,000; that of Mississippi only about 37,000; that of Illinois about 40,000; whilst the population of Missouri was stated, in the me-

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morial of the Legislature, at one hundred thousand, twelve months ago, and was then, and had since been, rapidly increasing.

Mr. LLOYD, of Maryland, expressed his hope that the motion which had been made by the gentleman from Pennsylvania would not prevail. He had not been sufficiently long a member of this body to know precisely the usual mode of proceeding in cases of this kind; but he should have thought the more direct course would have been to have moved to strike out the amendment, instead of moving a recommitment. This, however, was matter of form; he objected to the motion on principle. It had been said the two subjects were different in their nature. This, Mr. L. did not admit. What, asked he, is the question presented by the bill and the proposed amendment? It is this: Shall Maine and Missouri be admitted into the Union on an equal footing with the original States? Could there, he asked, be a plainer question; could there be two subjects more intimately connected, or in principle more nearly allied, than the two embraced in this question? We may imagine, said he, as many distinctions between the two cases as we please; but, if we confine ourselves to the power granted to us by the Constitution, we have but one course to pursue, which is, to admit both the States, on the same terms, into the Union.

Mr. L. readily admitted that, as a general course, it was highly improper to tack together questions depending on different principles, and relying on different arguments for their support. He denied, however, that this was such a case. He affirmed, that if the Senate had a right to impose restrictions upon Missouri, they had the same right in regard to Maine, but no power over the one which they had not over the other. If the novel doctrine, which had been recently announced, of restrictions and provisions on the admission of new States, was to prevail, how much must Massachusetts and Maine have relied on the liberality of Congress, in forming a constitution without previously obtaining the assent of Congress, and in supposing they were to be admitted into the Union on their own terms. How did they know, said Mr. L., but we might impose a restriction upon Maine, to compel her to admit slavery within her limits? If we have a right to impose a negative condition in regard to Missouri, we have a correspondent and equal right to impose an affirmative condition in regard to Maine. But, in this case, it seemed that every thing liberal was to be conceded in regard to Maine, and every thing illiberal, in his view of it, was to be demanded of Missouri.

With regard to the time limited for the admission of Maine by the law of Massachusetts, said Mr. L., are we by such a consideration to be hurried into the discussion of an important Constitutional question? Because the people of Maine had not foresight enough to take sufficient time for the consummation of the act of admission, are we to legislate precipitately; and without regard to the true interests of the Union? He presumed not. There was at least nothing in this consideration to change the nature of the question.

In his opinion, Mr. L. said, Congress possessed the power to admit Maine into the Union or not; but, if admitted, it must be unconditionally; and the same might be said of Missouri. It appeared to him, then, that the cases which were connected by the report of the committee rested upon the same principles for support; that, if justice was done to the one, it must be equally dispensed to the other; and there could be no impropriety in a course which had for its object to place both on the same footing. This question he considered not to be at all affected by the argument that Maine was formed out of a State heretofore in the Union. She had no higher claim than Missouri; each possessed the Constitutional requisites, and nothing more was required to place them on the same ground. When the States of Kentucky and Vermont were admitted, Mr. L. said, although it was true they were admitted by separate acts, still the provision for the representation of the two States in Congress was made by the same act; and the same rule which was then applied would apply with equal propriety in the present case. By such a connexion of the two subjects, an invidious discrimination would be avoided between the two cases, which did not differ in principle, and ought not to be separated in fact.

Mr. L. said, he presumed it would be improper, on the question as now presented to the consideration of the Senate, to enter into an argument on the propriety, or to touch on the policy, of imposing restrictions on any new State. He must, therefore, defer for the present any observations on that question. But, for his own part, he said, he was on that point precisely in the same situation as the gentleman from Massachusetts; he found no difficulty in deciding on it. He considered it a question of policy whether or not a particular State should be admitted into the Union; and, when he was called upon to admit one State and to reject another unless he would consent to impose on he novel and unconstitutional conditions, he must of course decide whether he would admit the one and refuse the other; and, said he, unless the same justice be dealt to all, it shall, as far as my vote will decide it, be measured to none. It was a question of policy, he repeated, and of serious policy, when presented in this shape, whether the Senate should consent to increase the power of one portion of the Union by the erection of a new State, whilst, from prejudice alone, obstacles were raised to the admission of new States in another portion of the Union. I should consider myself, said he, wanting in my duty as a representative of that section of the country, if I were thus to consent to weaken its power. Unless we can obtain the admission of Missouri into the Union, on the same terms and as free and unshackled as Maine, I am decidedly of opinion we ought to admit neither.

Mr. BURRILL, of Rhode Island, took the floor. He commenced with some remarks on the question of order involved in the amendment. He apprehended the committee had fallen into an error in reporting it; at least, it was without precedent for a committee to report on any subject referred to

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them by way of amendment to a bill from the House of Representatives, embracing a totally different object. It would be agreed on all hands, he said, that an observance of their own rules was necessary to the dignity of this body, and to the order and despatch of business. He did not dwell long, however, on the point of order, but proceeded to consider the merits of the question, which was a simple proposition to separate the two subjects of Maine and Missouri.

It was conformable to the rules and practice of the Senate, he said, to divide a question, when asked by any member, where it was susceptible of division. Now, he asked, was not this question susceptible of the proposed division? It was not only susceptible of division, he said, but the cases embraced by it were essentially dissimilar. With regard to the State of Maine, the territory embraced by it had, from the adoption of the Constitution, been known as the District of Maine: its limits were known and accurately defined. The question on the admission of Maine was a question respecting the division of one of the original States. And would any one say that the division of an old State was a question of the same nature as that of the erection of a State out of an acquired territory? There were cases, he said, in which Congress were under an obligation to erect new States in the territories of the United States; but they were not obliged to admit into the Union a State formed out of an old State. He agreed with gentlemen on the other side in some of their premises, though he dissented from their conclusions. He agreed that the question of consenting to the division of a new State was a question of *policy*—a question on which the Congress was to exercise a sound discretion. For example, if the State of which he was a Representative on this floor were to ask to be divided, though the people composing it should be unanimously agreed on the subject, he doubted whether Congress would assent to it. The question therefore embraced by the bill was about the division of a State, which Congress was to decide as it should deem most wisely in regard to the general interests of the Union; whilst the question involved in the amendment regarded the erection of a new State in a Territory, which Congress were under an obligation, arising not only from the colonial condition of the Territory, but by the force of a treaty with a foreign Power, as had been contended, and as he admitted in a certain sense, to establish. There was no connexion between questions so distinct in their nature, and they ought not to be united in the same bill.

Looking at this question in another point of view—after it was agreed that Massachusetts should be divided as proposed, on which he had never heard of any difference of opinion—he asked what objection there was to giving the simple assent of Congress to the admission of Maine into the Union? We have, said he, no compact to make with her; whilst, if gentlemen will look at the provisions for the admission of Missouri, reported by way of amendment to this bill, they will see that there are many conditions and restrictions to be imposed on it, and some of them of much

importance, and admitting of much difference of opinion. The one question is a simple one, on which the mind of every man is made up; the other is complex, including a variety of regulations relative to bounty lands, the right of taxation, &c.—questions which require deliberate consideration, great attention, and a knowledge of details, with which the Senate was not yet supplied. He must be allowed further to say, that the committee of the Senate which had reported this amendment had not furnished the necessary evidence in respect to these details. It had been stated that there were in the Territory of Missouri one hundred thousand inhabitants. It would appear, Mr. B. said, from a careful perusal of the memorial, that it did not state this fact. It stated that the whole territory contained that number, and prayed for a division of the territory. That part of the prayer of the petition had been granted at the last session by the erection of the Territory of Arkansas. Mr. B. said he should be glad to know, therefore, what was the amount of the present population of Missouri Territory. Gentlemen might say that, in their opinion, the population of the Territory is forty, fifty, or sixty thousand; but, Mr. B. asked, where was the evidence of the fact, in such shape as Congress ought to legislate on? There had not been before the Committee, nor was there now before the Senate, a single document on the subject, but the petition presented at the last session, from the Legislature of Missouri, a part of which had been granted. There was in fact, he said, no application from Missouri, at the present session, to be admitted into the Union. If there was such an application, he wished to see it; and he wished, before he acted on the subject, to have a precise estimate, not of the whole number of inhabitants in the vast territory between the present States and the Rocky Mountains, but within the limits of the proposed State of Missouri. And, with respect to the boundaries of the new State, he was also desirous of definite information. Certain limits were indeed proposed by the committee in their report, but, by a certain bill which had been laid on their desks by mistake, it appeared that certain other boundaries had been thought of; and he wished to know the cause of this variation in the boundaries. Who was it that had marked out the immense district of country proposed to be included in the new State? Who had given these metes and bounds? He did not know, he said, and he questioned whether even the committee which reported it could inform the Senate. These boundaries were not those described and marked out in the document on which the bill was professedly founded. He would not trouble the Senate by pointing out the particulars in which they differed: the boundaries proposed in the amendment before the Senate, he believed, embraced a less extent of territory than those proposed in the memorial; but enough had been said, to show that the Senate were called upon to legislate on this subject without the necessary information to enable them to act understandingly on it. There was no chart of the Territory before Congress, nor had the subject been introduced at the present session upon any

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application from the people, or from the governing authority of the Territory. If the Territory contained a sufficient population, he was willing it should be made a State, and with a sufficiently extensive boundary; and perhaps some gentleman might have information sufficient to satisfy the minds of the Senate on that point.

But, in respect to Maine, there was no question, whatever, but that of policy. Is it wise, is it consistent with the general interests of the United States, that Maine shall be admitted into the Union? If we proceed, and pass the bill as it came from the House of Representatives, with the single provision for the admission of Maine into the Union, we shall acquit ourselves of a duty which we owe to an intelligent population of three hundred thousand souls; of a duty which we owe to Massachusetts, who will be thrown into great embarrassment, not to say confusion, if the act do not pass. When that should have passed, Mr. B. said, he should be willing to take up the case of Missouri, and he hoped with that good-temper which ought to prevail in the deliberations of this assembly.

The honorable chairman of the committee (MR. SMITH) had stated that he had some difficulties to encounter, in regard to the admission of Maine. This was the first suggestion of that sort, Mr. B. said, that he had heard. But are we, said he, who entertain on this question an opinion different from him, to be required to agree to do what we believe wrong, in order to carry another measure which we believe, and which gentlemen themselves do not deny, to be right? He hoped not. He believed the separation of these subjects to be due to the magnanimity with which the Senate had always conducted, and moreover required by the spirit of the rules established for the government of its proceedings.

MR. MACON, of North Carolina, next followed in debate. With regard to the order of proceeding, he said, it had never been the practice to refer back a subject to a committee, but for the purpose of obtaining details, to make that which was doubtful plain. In the present case there was no occasion for such a reference, the object being to separate two subjects proposed to be united, which could be directly effected by a disagreement to the proposed amendment. There was no necessity, therefore, in his opinion, to recommit the bill on that ground.

This, said he, is a pretty important question, view it in what light you will. The appearance of the Senate to-day is different from any thing I have seen since I have been a member of it. It is the greatness of the question which has produced it. So interesting is it, that, on this incidental question, all the members have gone into the question, which is not, but is expected to be, before the Senate.

With regard to the question immediately before the Senate, Mr. M. said he had hardly expected that the gentleman from Pennsylvania would have forbidden the banns of this marriage. He thought the opposition to it would have come from some one more interested, more nearly allied to the parties. Allusion had been made to the case of Ver-

mont and Kentucky. And why, he asked, were there given, in the same bill, to Vermont two representatives, and to Kentucky two? Their population was not known; but their representation was made equal in order to keep up the proportion which the National Convention had given to the two sections of the Union.

It had been said that the law of Massachusetts, sanctioning the independence of Maine, would expire on the 3d day of March, and it was therefore proper to hasten the passage of the bill from the House of Representatives, without amendment. But, Mr. M. said, that Massachusetts would not, after she had consented to her daughter setting up for herself, play the stepmother, and say, because you have not done this to-day, you shall not do it to-morrow. Massachusetts would do hereafter, he had no doubt, what she had already done.

With respect to the alleged impropriety of connecting the two subjects in one bill, Mr. M. asked if there was any thing more common than for Congress to pass bills for particular objects, "and for other purposes?" It was the practice of every day; and those "other purposes" were frequently not purposes connected with the main subject of the bill. The Senate, the gentleman might recollect, had at times been so tenacious of their bills, as not to allow them to be amended even by a dot over an *i*, or a cross on a *t*. Yet the Senate had, before now, in more instances than one, tacked one bill to another of a different nature. Mr. M. quoted an instance, being an act to establish a board of commissioners for the city of Washington, and for other purposes, passed several years ago. After the bill came from the House of Representatives to the Senate, as the Journal would show, it was amended by the addition of provisions for authorizing the making a canal from the Potomac to the Eastern Branch; which provision was certainly not analogous to the main object of the bill. Mr. M. said he questioned whether a bill ever passed with a great many sections, but those who voted for it objected to some of them. He could himself recollect amendments to bills having been made, which were so obnoxious that gentlemen friendly to the object of the bills had been almost ready to give up the main point, rather than agree to the amendments.

The gentleman from Rhode Island had taken a distinction between the cases of Maine and Missouri, which he appeared to think was unfavorable to the claims of the latter to admission into the Union. Now, Mr. M. said, he thought, on the contrary, that Missouri had the strongest claim. Maine, said he, is in the actual exercise of the privileges of self-government. Is Missouri? In Maine a man enjoys the same civil rights and benefits as the citizens of any other State; he is not half-citizen, half-subject, a territorial man—he is a full-grown citizen. The representatives of the State of Massachusetts, (including Maine,) in the Senate and House of Representatives, enjoy all the rights belonging to their stations; and when the yeas and nays are called, they answer aye or no. How is it with the delegate from Missouri? He is missed on the roll; you skip over him; he

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may speak, but cannot give a vote on any question.

Reference had been made to proceedings on this subject out of doors. Those proceedings, said Mr. M., have been all on one side. Our people do not petition much; we plume ourselves on not pestering the General Government with our prayers. Nor do we set the woods on fire to drive the game out. When the question, which every one had alluded to, came properly before the House, Mr. M. said he would speak his sentiments upon it. Gentlemen were inquiring what, to a fraction, was the population of Missouri. For his part, if she was otherwise fitted for self-government, and had a population of but twenty thousand, he would say to her, come into the family, and become one of us. In no instance, he said, had Congress insisted, in the admission of new States, on a population of sixty thousand. The true reason of the objection to the prompt admission of Missouri, was the principle to which gentlemen had alluded, and which had made so much noise out of doors. He confessed, that on this question he had felt more anxiety than on any other question lately presented to his view. It may, said he, be a matter of philosophy and abstraction with the gentlemen of the East, but it is a different thing with us. They may philosophize and town-meeting about it as much as they please; but, with great submission, sir, they know nothing about the question.

The proposition now before the Senate was to recommit—for what? Why, for what the Senate could do as well as a committee. Judging from the arguments, it appeared to him that one side was better prepared than the other for the discussion. If the Senate was ready for the discussion, it mattered little what the precise form of the question was. There was no impropriety, he conceived, in the proposed connexion of the two subjects of Maine and Missouri; nor did it appear to him of any importance what the shape of the question was, if it was substantially before the Senate. The question to agree or disagree to the report of the committee, took within its scope every other question connected with the subject, and would admit of the freest debate. He was therefore opposed to the recommitment.

Mr. MORRIS, of New Hampshire, said it was not his intention to enter into a discussion of the merits of these two subjects at this time; he thought it was improper. I am, said he, in favor of the motion, because I am unwilling to consider the subjects, and act upon them, in this unnatural connexion. Gentlemen say there is such a similarity, they may be considered with the greatest propriety in this near alliance. Sir, I think otherwise. To me, there appears a striking incongruity. One object is, to admit Maine into the Union; the other is, to authorize the Territory of Missouri to form a constitution, that she may be admitted at some future period. Where, then, is the likeness? Sir, this is not all. I wish each to stand upon its own basis. To effect this, they must be considered separately. One gentleman may have doubts with respect to the expediency of admitting Maine; another may have complete conviction that it

would be extremely wrong to admit Missouri without restrictions.

Now, sir, you couple these together, and on the final question you compel gentlemen to vote for both or neither. And what is the result? I am fully satisfied it is politically and morally right to admit Maine, and wish to give my aye; but I am equally satisfied it is politically and morally wrong to admit Missouri without prohibitions. Other gentlemen believe it is politically and morally correct to admit both without restrictions. Then, sir, you see the dilemma in which some are placed by this strange connexion. We are compelled to vote against Maine, which we think we ought not to do, or vote in favor of both, and do that which we conscientiously believe is politically and morally wrong; while gentlemen on the other hand are only asked to do that which they declare is politically and morally right. Sir, I protest against the connexion; not because I am unwilling or unprepared to meet the subjects, properly and distinctly, each on its own merits, but on account of the dilemma into which we are necessarily thrown if they are considered as now presented. Sir, I am willing Maine should be admitted; and I am equally willing Missouri should be admitted, on such principles as shall harmonize with the national tranquillity and interest; and I am perfectly willing to meet both subjects distinctly, when they shall be so presented to the consideration of the Senate, and in no other way. Let each stand upon its own merits.

[At this stage of the debate, the Senate adjourned until to-morrow.]

FRIDAY, JANUARY 14.

On motion, by Mr. WILLIAMS, of Tennessee, the Committee on Military Affairs, to whom was referred the petition of Rebecca C. Appling, were discharged from the further consideration thereof.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, to continue in force the act, passed on the twentieth day of April, 1818, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, 1799,'" reported the same with an amendment; which was read.

Mr. LOWRIE presented the petition of Thomas Dobson & Son, of the city of Philadelphia, booksellers, proposing to sell to Congress eight hundred copies of Seybert's Statistical Annals of the United States, and praying that a law may be passed authorizing the purchase of the same; and the petition was read, and referred to a select committee to consider and report thereon, by bill or otherwise; and Messrs. LOWRIE, PARROTT, and SANFORD, were appointed the committee.

Mr. PARROTT presented the memorial of a number of merchants and others, engaged in the sea-faring business, of Portsmouth, New Hampshire, praying the erection of a light-house on the Isle of Shoals; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

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The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the petition of Thomas Chapman, collector of the customs for the district of Georgetown, in the State of South Carolina; and, in conformity thereto, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Edward Barry and George Hodge; and, in conformity thereto, the petitioners had leave to withdraw their petition.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Phineas Cole, of New Hampshire; and, in conformity thereto, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the same committee, to whom was referred the petition of John Charlton, 2d, and Elisha Douglass, of the District of Maine, praying pensions; and, in conformity thereto, the petitioners had leave to withdraw their petition.

The bill confirming Anthony Cavalier and Peter Petit, in their claim to a tract of land, was read the second time.

The bill to establish a district court in the State of Alabama was read the second time.

The bill for altering the times for holding the court of the United States, for the western district of Pennsylvania, was read the second time.

The bill to establish a uniform system of bankruptcy throughout the United States was read the second time.

MAINE AND MISSOURI.

The Senate resumed the consideration of the subject of the Maine bill, (as proposed to be amended by adding Missouri to it,) and the proposition by Mr. ROBERTS, to recommit the bill with instructions to the committee to separate the two, and report Maine in a distinct bill, as it came from the other House.

Mr. BARBOUR, of Virginia, said, the particular agency which he had heretofore had in this subject made it proper that he should endeavor to show the impropriety of agreeing to the proposed resolution, and at the same time vindicate the course pursued by the committee in recommending the amendment providing for the admission of Missouri into the Union. To a distinct understanding of the subject, said he, it is necessary we should advert to the history of its progress. A select committee, to whom the subject was referred, brought in a bill whose object was to provide for the admission of Maine into the Union. While it was depending before the Senate, I submitted a motion to recommit the bill, with instructions to incorporate the very amendment which has now been proposed. Before this question was decided, a bill is sent up from the House of Representatives, precisely like that depending here. In conformity to an existing comity between the two Houses, the bill depending here, with the instructions I had submitted, was postponed, and the Senate proceeded to act on the one from the House

of Representatives. At the proper time, it was committed to the Judiciary Committee, who, as I think, most wisely and justifiably, reported the bill with the much contested amendment in favor of Missouri—the memorial of that people having been previously referred to that committee, supplicating admission into the Union. It is objected, first, by the member from Pennsylvania, that the committee got possession of the subject rather curiously. In justification of this assertion, he states that the memorial of the people of Missouri is that which was presented the last session. Sure, this objection is of itself a curiosity. Is it not the invariable usage which obtains in both branches, when a petition has been presented, and its object not consummated, as is but too commonly the case, Congress either being unable or unwilling, to do so, for the same identical petition to be presented to the ensuing Congress? Why present a new one, the facts and grounds of the application remaining the same? It is next objected by the gentleman from Rhode Island, that the committee have exceeded their powers in recommending this amendment. Pray, sir, what is the object of referring a bill to a committee—merely to dot the i's and cross the t's? I had supposed they had a more important duty to perform. Not only their right, but that it was their bounden duty to modify or amend any and every part in relation to the particular subject embraced by the bill; and to extend its provisions so as to embrace every corresponding subject. This is not only a rational rule, but one which is prescribed by every well organized deliberative body. It in the first place diminishes that multiplicity of laws already swelled to an extent beyond the reading of the most industrious. Secondly, it prevents that irregularity and inconsistency which ensue from a different course. I appeal to the experience of the Senate, when I assert, that the success of a claim, for instance, depends sometimes on the zeal, perseverance, and ability of its patron. A claim thus supported, is carried in triumph through the House—while one no less just, for want of those efficient auxiliaries, is lost, and, in consequence, a chequered and unequal system of legislation obtains. If this be true on trifling occasions, how does the reason of the course pursued by the committee increase upon us, and the necessity of adhering to it upon subjects so important as those involved in the bill and amendment! But it is objected that the two subjects are dissimilar, and, therefore, should be separated. If this be true, why send it back to the committee? The question before the Senate is, shall they be joined as proposed by the committee? If you disapprove of the junction, reject it; but do not refer it to the committee: they have performed their duty; do you perform yours. But is it true, that there is any difference in the two subjects, so as to make it indispensable to separate them? As to any thing yet before the Senate, there is no essential difference; and, therefore, nothing to require their separation. Let us inquire, first, in what they agree; Maine, it is readily admitted, has just claims to an admission into the Union; and I shall be greatly misunderstood, if I am suspected of any

hostility to such admission. Her claims rest on the extent of her territory, the number of her people, the great length of her maritime coast, her frontier situation, and the necessity of the residence of her government within her borders, by which, whenever the occasion occurs, the resources of the State may be called out immediately for her defence and protection. What are Missouri's claims? An equal extent of country, the number of her people, her frontier situation, a right guaranteed by the treaty by which we acquired the country, but, above all, the invaluable privilege of self-government, of which she is now deprived: a privilege dear to every American; the deprivation of which is the last injury which can be inflicted upon them. In what do they differ? It is said Maine is ready to come into the Government, having formed her constitution. If dependently of the consideration that this state of things would make it necessary only to adapt the different sections of the bill to the peculiar circumstances of the two cases, I must be permitted to state, that Maine has no claim on us for the precipitancy with which she has acted. The correct course would have been, to have obtained the consent of Congress before she had proceeded as far as she has. For I presume no one will pretend that there is any Constitutional obligation on Congress to admit Maine at all into the Union—for the very obvious reason, that she now, as a part of Massachusetts, enjoys all the inestimable blessings of self-government. She surely, therefore, has not increased her claim on our indulgence by the premature step she has taken in forming her constitution; especially, too, as she did not know but, according to the new doctrine recently sprung up, Congress might think proper to impose restrictions—of which right she seems to have deprived us, by making and fashioning her constitution according to her own will and pleasure. Missouri, on the contrary, quietly submitted to the injustice of which she was the victim at the last session, and, for this submission, and her forbearance to assert her right to self-government, is held as an unworthy associate of the less respectful Maine.

Various other objections have been suggested by the member from Rhode Island, but it must be palpable they are intended merely as a light corps for skirmishing, and to conceal the real point of attack. He says he does not know that the people of Missouri wish to be admitted into the Union. I fear were one to come from the dead to testify the fact, the gentleman would be still incredulous. Were you not petitioned by the Legislature of the Territory at your last session? Did not the people, during the last Summer, in every possible form, indignantly denounce the attempted usurpation of Congress? And has not their Delegate in the other branch of the Legislature signified the wishes of his constituents by obtaining leave to bring in a bill for that purpose in a few days after our meeting? But why need I refer to these facts? Is there any circumstance which renders it less desirable to the people of Missouri than at the last session? What is it they pray for? the right

of self-government—the choicest blessing of Heaven to human kind. And, does an American Senator wish any other evidence of the existence of this wish, but that innate desire for this high privilege in man wherever he is found; but more especially with a people principally composed of native born Americans, who have enjoyed the blessing and know how to appreciate it? But, he does not know the number of people in the Territory since Arkansas was detached. No! Was not the latter Territory detached during the last session contemporaneously with the bill for the admission of Missouri? Then no objection was heard as to her wanting the number to justify her admission into the Union? But, if her number were sufficient then, much more so is it now, when they have incalculably increased by that tide of emigration which has so steadily flowed into the Territory during the last year. He is also not satisfied with the boundaries. Yet they, too, were critically scanned during the last session, and finally assumed such a shape as to be unexceptionable. I will not lose more time, in meeting objections of this kind, which carry with them their own refutation, than barely to remark that the gentleman who used them must have felt himself pressed to the wall before he would resort to means of defence of, to say the least, such doubtful propriety. It would have been better at once fairly to acknowledge the real object. Let it be presented without ambiguity. Let the issue be made up, and, according to the will of the majority, let the contest be settled. I will state frankly what it is. The gentlemen wish to impose restrictions on the people of Missouri, and not on the people of Maine. Here lies the difference, not in the unequal claims of the people of these two portions of territories, but in the new-fangled scheme, the result of modern and unwise counsels, which seeks to fix on Missouri the badge of inequality and degradation. I had fondly hoped that the good sense of the Senate, and its regard to the just rights of every part of the Union, would have resisted an attempt so repugnant to the plighted faith of the nation, the letter and spirit of the Constitution, and, above all, the great and inalienable right of the people of self-government; but, in this hope I fear I shall be disappointed. It is this attempt which constitutes the only difference between Maine and Missouri. Now, I submit this question to the candor of gentlemen on the opposite side.

If the design alluded to, that of imposing restrictions on the people of Missouri, did not exist, or, existing, we were ready to agree to it, would they have any difficulty in agreeing to the union of these States in the same bill? I answer for them—they would not: the bill would have passed, notwithstanding this union, without criticism or question. But the question, in our view, is as though this difficulty did not exist; for that which does not exist, and that which ought not to exist, is, as to its effects, precisely the same. Now, we say you have no right to impose these restrictions, and, having no right, you shall claim no advantage by the attempt. This would be to suffer you

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to profit by your own wrong; and, if I am correct in saying you would have no objection to the proposed consolidation, were it not for this attempt to control the people of Missouri in the exercise of the great privilege of making their own government, and also that you have no right so to control them, we, who assume both these as unquestionable truths, can see no serious difficulty to the proposed union. I forbear to investigate them at this time, because I have been told by the Chair, and properly told, that upon this question such an investigation would, as the lawyers say, be travelling out of the record. In the proper stage of the question I will, as far as my feeble capacity will enable me, endeavor to sustain them to the satisfaction of every unprejudiced mind. But gentlemen confidently ask us, why seek to compel us to vote for a measure of which we disapprove by uniting it with another on which there is no difference of opinion? For the plainest of all possible reasons. You who ask, shall be compelled to do justice. Is this a novelty in ethics or in legislation? If you apply to a court of equity for its aid in reference to a subject relative to which there is no doubt, what is the answer of the chancellor? You who ask must do justice. "Do unto others as you would be done unto," is a sublime maxim of morality, inculcated by the highest of all possible authority, and on which, we are told, hang the law and the prophets. You who ask justice for Maine, shall be compelled to do it for Missouri. And shall we be called unreasonable who view the question in this light, if to preserve equality, which is but another name for justice, we unite them indissolubly together, and subject them to a common fate? How could we stand justified in lending ourselves to a course of legislation whose result would be stamped with the most consummate injustice? Do you not know that the very Constitution by whose authority we are here is the result of compromise brought about by the very course we are now pursuing? If the South had required its claims, never so just, first to have been yielded, and all control over such cession to have been surrendered by the North before its pretensions had been heard, much less established, would not such a proposition have been scouted? The fact is, in all great national questions, where different views and different feelings prevail, it is indispensable to any practical result that we practise towards each other some degree of deference and concession. The mind of man revolts at that spirit of arrogance which claims unqualified submission and acquiescence to the pretensions of an equal, who, at the same moment, refuses to listen to yours. Every consideration of propriety, and justice, and prudence, demands that he, towards whom injustice is about to be practised, should reject every proposition which has not perfect equality for its basis. It is in this spirit that we who think the claims of Missouri, for the reasons before assigned, to an admission into the Union as unrestrained as Maine, are stronger than those of Maine, believe it would be an act of folly and injustice to suffer Maine to be introduced into the Union while Missouri was excluded. I there-

fore, repeat again, do unto others as you would they should do unto you. Precedent has been resorted to on this occasion to influence our decision. It is supposed to be found in the instance of Kentucky and Vermont. With submission, I think the gentlemen singularly unfortunate in this reference. I am authorized to say, from unquestionable authority, that Kentucky was kept back some time for the purpose of insuring the admission of Vermont. What do we propose to do? Not to delay the admission of Maine for a moment, but simply to unite Missouri with her. Does this affect Maine? No. Yet, in the very case alluded to, the East refused justice to the West, for a portion of time, with the design of making this act of their justice to Kentucky subservient to the wishes of Vermont to be admitted into the Union; and, although they are not in the same law, yet, as there was no difficulty at that time in admitting both, they passed at the same session. But let us suppose the invidious distinctions which are now attempted had been insisted on against Kentucky or Vermont, is it to be believed that the same caution would not have been used which we propose now to pursue? In this conclusion I think I am warranted by referring to the law of the same session in regard to the representation of those States. The census not having been taken, the ratio was arbitrary, and, to prevent inequality, both States were united in the same law, and two Representatives assigned to each. So much for precedent, sir.

In calling upon the Senate to support the amendment, whose effect will be to admit Missouri into the Union, there is one portion of the House to which I feel confident I shall not appeal in vain. I address myself to those who have just escaped from the thralldom of colonial government. You have too recently escaped from that degraded state, and entered into the fruition of all the blessings of self-government, not to appreciate duly the advantages of the change. The unportioned Missouri, the nation's orphan, claims to participate in this immeasurable blessing. Can you turn a deaf ear to her just supplications? She knocks at that door through which you have just entered. Does it become you to bar it against her? Leave this invidious, unhallowed task, to your veteran associates. Remember the question now is, shall Missouri be admitted at all? The question is not involved whether she shall be admitted with or without restrictions. Whatever may be your sentiments on this subject, it is not at this stage that an expression of them is called for. An opportunity will be furnished you hereafter of recording your opinion on this point.

Mr. President, the question essentially involved in the measure under consideration, is one, in its consequences, of the highest import to the tranquillity and happiness of the Union. Let me appeal to the other side, (and I design to be as solemn as the occasion requires,) and ask, what is to be done? We are pledged by the most solemn sanctions of our religion to reject the meditated restrictions on Missouri; the Constitution, which we have sworn to support, forbids it. You say that you will not recede because expediency dictates it,

Is, then, that vast region beyond the Mississippi, with its countless inhabitants, forever to be subjected to a colonial government? If it were practicable, does it become the Senate of the United States to will it? But suffer not yourselves to be deceived. The same spirit which animated the heroes and patriots of the Revolution warms the bosoms of those hardy sons of the West; and when you, by your resolves, arrest the mighty flood of the Mississippi, then, and not till then, will you be able to repress this unconquerable spirit. I will not lift the curtain to look into futurity, still less to delineate what I fear may be the awful consequences. I am not easily alarmed, nor am I disposed to be an alarmist; but this I will say, that I fear this subject will be an ignited spark, which, communicated to an immense mass of combustion, will produce an explosion that will shake this Union to its centre. There is one consideration connected with the present question and its attendant circumstances, that swells beyond even it, important as it is, and embraces the foundations of our political fabric. The crisis has arrived, contemplated by the framers of the Constitution, and to guard against whose effects was the principal object of the creation of the Senate. To us does the Constitution look in the moment of popular excitement, whether the result of accident or design; to us belongs the high attribute of prescribing limits to its excess. The framers of the Constitution, independently of their general knowledge, were deeply read in the character of man; they had seen him in every phase of which he was susceptible in peace and war. They, therefore, knew that power and distinction were idols but too devoutly worshipped in every heart; that there were too many who valued them even beyond their consciences, and whose sacrifice was therefore considered small compared to their enjoyment. Nothing is more easy than to sail gently down the current with all your sails swelled with popular breezes. It is that breeze which becomes your chart and compass. You fear no shoal or breaker but popular displeasure. But these great men, in tracing liberty and its effects from the master States of antiquity to the present time, had seen, wherever it had appeared, that it had been attended with faction and violence—conforming in this to the law of all existing things, that whatever is great is irregular. To create some check in the Constitution that might stay its fury was the result of profound wisdom. To fulfil this great purpose, a duration in office has been assigned us sufficient to fill the measure of legitimate ambition. If true to our trust, we stand as an isthmus between the troubled wave of popular discontent, lashed into a storm by local prejudices or designing demagogues, and the Constitution. If, instead of resisting, we yield to the current, we swell the dreadful tide, which, passing its limits, floods the land, and whelms every thing in ruin. The time has arrived which brings to the test the theory of the Constitution. This portentous subject, twelve months ago, was a little speck scarcely visible above the horizon; it has already overcast the heavens, obscuring every other object; mate-

rials are everywhere accumulating with which to render it darker. I cannot repress an expression of my fears as to its catastrophe, unless it be dissipated by the wisdom and the firmness of the Senate. To stand firm when deserted by the people; to prefer our duty to our honors, requires a moral energy not often to be found. To disfranchise ourselves when not called for by the magnitude of the subject is wanton suicide. But fearlessly to commit ourselves to the breach when the peace and tranquillity of our country demand it, entitles those who perform so illustrious a service to the gratitude of their country. I think I see around me some who are ready to make the sacrifice. To them, if my feeble voice can effect it, shall be erected an everlasting monument of imperishable fame. I do not ask of others what I am not ready to perform; and if ever the day shall come when the welfare of my country demands this sacrifice of me, and I shall be wanting in my duty, I pray God it may be my last.

Mr. OTIS, of Massachusetts, observed that, from the relation in which he stood to the State whose separation was to be effected by the bill, it might be expected that he should take some part in the debate, though he was not sure that it was in his power to add much to the illustration of the subject. It must be obvious to all that he could not reflect without regret upon the proposed division of his native State; but as this measure had been long since agreed to, with the full and deliberate consent of all parties concerned; and the people of Maine, in consequence of what he regarded as an invitation from Congress, had actually formed a constitution, and were now intent upon the consummation of their plan, he felt it to be his duty to contribute, with sincerity and frankness, to its accomplishment. The question now before the Senate was in substance a question of order; and it was with a view to disencumber it of other questions, of a more grand and interesting character, that he should vote in favor of the recommitment. He should, on the whole, have preferred taking the question upon the adoption of the amendment; but as upon that the entire merits of the Missouri pretensions would have been open to a debate, at the option of honorable gentlemen, which it was desirable to avoid, he was reconciled to the present course. He begged leave, however, to deny, that a vote in favor of this motion was equivalent to one for rejecting Missouri. He had once voted for the admission of Missouri, and expected, after a fair opportunity for examination into the details of a bill for that purpose, if it could be made to accord with his views, to vote for it again. It was not, he agreed, very easy to compass, with the chains of a definition, the principles that should regulate the embracing of several objects in one bill; but there was in every man's bosom a perception of the fitness and congruity of objects which furnished an almost unerring standard. If the subject-matter of two provisions was entirely dissimilar, and unconnected; if the law could neither operate simultaneously, nor with equal effect, upon different subjects; if the conclusion to be drawn resulted from different premises, and depended on

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arguments which could not stand in any possible relation to each other, it might be assumed, for a general principle, that they ought not to be united. If a bill were sent from the House of Representatives, for raising revenue, it would be most improper and unusual to hook upon it a bankrupt act, or any other heterogeneous amendment. In England, it had been fashionable, formerly, to attempt to starve majesty into a compliant humor, by the appendage of riders to the supply bills; but he protested against the introduction of so objectionable a precedent in the Senate of the United States, in their intercourse with the House. In reply to the appeal of the honorable member from Virginia, who emphatically demanded whether the proposed junction of these two subjects would be resisted, but for the objections held in reserve to the admission of Missouri, he declared, with the most perfect sincerity, that he was not influenced by any such anticipation; but simply by a sense of the absolute discordance of the two provisions, and a regard to what he believed the dignity of the Senate demanded. No two things could have less resemblance. The one is comprised in three lines: You have only to say to Maine, let her be a State, (to which all are agreed,) and she is a State. But, for Missouri, you must proceed cautiously through various sections, and important details. In one case you have only to say a thing is done; in the other you settle preliminaries, and give permission for a very different thing to be done hereafter. As to the precedents cited by gentlemen who supported the amendment, they were adverse to all their conclusions. The State of Kentucky was admitted into the Union February 4, 1791; the State of Vermont, February 18, in the same year; so that, though both bills were pending at the same time, and each consisted of little more than a sentence, they were enacted separately, and on different days; which establishes the fact that no compromise or combination existed. It is true that the act for the apportionment of the Representatives of the two States, which passed afterwards, on the 25th of February, had reference to both States; giving two members to each; but this was perfectly analogous to all former proceedings in the apportionment of Representatives. This is made among all the States by one general law; and, as these two States were now admitted, to include them in reference to this object, was to make a supplementary act in perfect unison with the existing system. But, said Mr. O., it is not perceived that gentlemen are required to justify this attempt, upon the ground of the similitude of the cases, acknowledging, as they do, the influence of a more profound and cogent motive. With an openness deserving commendation, they avow that they are guided by considerations of policy in coupling these measures; that they plainly intend that the success of one shall depend on the fate of the other, and that, unless the steed will carry double, he shall not come out of the stall. If, then, the suggestions of a wise and just policy require that these States should be thus soldered together; the objections on the score of irregularity are, certainly, of minor consequence, and should be merged in the higher and more im-

portant motive. Great credit was certainly due to the gentlemen for the absence of all disguise in their support of this connexion, on the ground of policy, and they were doubtless well satisfied of the correctness of aims so freely disclosed—but, he nevertheless was persuaded, that the policy was most unfortunate and unsound. What is it, when reduced to terms of abstraction? It amounts to this: that no State shall hereafter be admitted from a population entirely white, unless another has ingress at the same time with a mixed population, to counterbalance its influence. Let us inquire for a moment into the equitable effect of this policy, as well as into its expediency. Since the adoption of the Constitution, four States, from which slavery is excluded, namely, Vermont, Ohio, Indiana, and Illinois; and five States in which it is permitted, for instance, Kentucky, Tennessee, Louisiana, Mississippi, and Alabama, have become members of the Union. This gives a majority of one State in which involuntary servitude is tolerated. After Maine shall be incorporated, the prospect of another State, with an entirely white population, will be at an end—certainly for very many years. No symptoms of a contemplated division of a State have appeared in any quarter north. New York exults in her integrity and numbers. Michigan, by possibility may form an exception, but it is more probable that circumstances may render it eligible to annex that Territory to Ohio, or keep it in its present state, for an indefinite period. In this view of affairs, what then is the language of the policy proclaimed by gentlemen, fairly paraphrased? Is it not, “we have already the advantage in the admission of new States, by the majority of one. This we are determined to retain—and reserve to ourselves the power of multiplying them as circumstances will permit, throughout the vast expanse of territory between the Mississippi and Pacific, though you are stinted and can go no further.” And what will be regarded as the apparent scope of this policy? Certainly to engross power and influence, in order to checkmate the progress or power of the other States; and thus hold up to open view, in the Senate, a principle which has been for the first time thus distinctly avowed. What will be the sentiments and feelings of the people of Maine at this disclosure? What their enagement and dismay in hearing of this new and inconceivable policy! When, after organizing a Constitution at your bidding (for the act of last session regulating the coasting trade was nothing less than an express invitation to them to set up for themselves,) when after all the trouble, expense, expectation, and arrangements made in view to that event, they are given to understand that they must be debarred from their promised privilege, until another State is ready for admission to countervail their influence. Does not this policy, however well intended, go directly to establish a line of demarcation exceedingly to be deprecated, and to countenance the doctrine of a really existing discordancy of interests between States of different descriptions? And will the Senate of the United States inculcate or give currency to an opinion which, if well founded, we should endeavor to dis-

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guise? He did not however believe in the existence of any such real division of interests among the members of the Union. Prejudices indeed prevailed out of doors among those who look only on the surface of things, but the Senate would not; he hoped, give its imprimatur to the orthodoxy of any such creed. This body represents not only the sovereignty and equality of the States, but the unity of their interests. These interests, in reference to the different classes of the great community, are identical. The causes which affect the prosperity of the commerce of New Orleans, bear always with the same weight upon that of Boston. The planter of the Southern States, and the farmer of the Northern, must equally depend upon agriculture as the source of their comforts and riches. The manufacturer of the West must thrive or fail in the same circumstances which affect his brethren in the East. All experience as well as reason shows, that these great interests are the same, wherever situated. The events which are propitious or unfavorable, shed a corresponding influence upon them all. We are one people, and must rejoice and mourn, and rise or fall together. We are alike the representatives of the free, however the descriptions of our population may vary, and whatever may be the ratio of numbers which regulate the elective franchise. These are the principles and feelings which the Senate should cultivate and proclaim. For his part, he regarded his associates in the Legislature as standing upon the same footing with himself, and, in the course of a long and intimate acquaintance with gentlemen from the slaveholding States, he had never for an instant been conscious of any obstacles to his esteem and respect arising from local considerations. Among them, in an early part of his life, he had formed and cherished some of his most valued intimacies. For those around him, whose acquaintance was recent, he realized every propensity to goodwill and esteem which he should feel towards those from his own vicinity. With others a longer acquaintance had ripened into real friendship; and for his old friend above him (Mr. Macon,) he professed a sincere affection and respect, (inspired by a long experience of his honorable character,) though they had formerly broken together many a political lance, and he was sorry to discern in him symptoms of wounded or excited feelings on the present occasion. These dispositions, he thought, should be reciprocated among the people of our country, who should be taught by example to believe themselves one; and no policy could in his opinion prove more injurious to the country, than that which should record the admitted existence of this local or geographical discrimination of interests in that chamber which had been consigned to ashes by a common enemy, redeemed by a common purse, and consecrated to the advancement of the common welfare.

There was another view of the subject which Mr. O. wished to present. Granting for the moment, that the policy of honorable gentlemen is correct in itself, and not pregnant with the disadvantages just now imputed to it, there are other considerations which outweigh any benefits which

can emanate from it. No policy can claim a comparison in excellency with that which establishes a pure and incorruptible legislation, and which excludes from the public councils all stratagem and compromise in the enactment of laws. Nothing could be more remote from the minds of the committee and the friends of the report than any measure which would degrade the Legislature to the condition of a mere ratifier of contracts and bargains. Yet, look at the subordinate and sometimes clashing interests, which importune the attention of every Congress.

There is not only an interest of agriculture, an interest of commerce, an interest of manufactures, but interests of roads and canals, of army, of navy, and of private claims innumerable. Is there no danger, hereafter, that this precedent may be of evil tendency, and a step towards a compromising system of legislation that would be destructive to the public interest? May not, at some future day, the friends to a bankrupt act collude with the advocates for a change in the tariff? The friends to a road in this quarter make terms with the promoters of a canal in another direction? The advocates for claims of one description stipulate for mutual support with the claimants of another description? When the broad principle of deciding every question on its own merits is once deserted, is there not danger that, at some period not very remote, when the men of principle who now constitute this Senate shall have disappeared, the business of legislation will be resolved into a trade of bargain and compromise, first of public, then of private interests; that the laws will be contracts, *do ut des, facio ut facias*, and that this chamber may become a department of Change Alley, where parties will come prepared to balance interests, settle differences, and help each other at the expense of the nation? He studiously avoided touching upon many topics which had been introduced into the debate. It was his settled purpose to avoid them until they were presented in due time and place. The claims of Missouri have been strenuously insisted on. Her pretensions to an early admission, it is said, are superior to those of Maine. He would not enter into any comparison of these pretensions, but was unable to discern any disadvantage under which she labored. She had an organized and representative government; and though it was observed she had no voice in deciding questions in which her interests are implicated, yet, if she had forty voices, she could say no more than that she had a sufficient population, and wants a State government. This is said and repeated, sufficiently often and audibly, by the faithful Delegate who attends to her concerns in the other House. He is not silent; and if all his constituents were here, en masse, they could say and do no more. There is no pressing difficulty in this concern of Missouri. Enterprising persons have emigrated to that Territory, knowing the conditions. They now wish to be incorporated into the Union. To this, nobody objects—but questions are foreseen that may arise in regard to the terms of admission. But can it be reasonable that the District of Maine should be responsible for the suc-

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cess of the application of Missouri, or that those who are engaged in promoting the admission of one should be compelled now to consider the objections to the pretensions of the other? It is inconceivable that gentlemen will persist in a determination not to do what they believe to be right, because others cannot do what they in their consciences fear may be wrong. When the feelings, excited by zeal subside, they will surely revert to principles which are natural and almost innate, and do what they honestly conceive and feel to be right, without regard to consequences. If it is fit and just to admit the elder sister, as she is styled by some gentlemen, why should she be compelled to wait for the younger? Why should this sister, a lady used to company all her days, and who is now of a certain age, and come up, at your invitation, in full dress, have the door shut in her face by the family, merely because Miss in her teens, who has not made her toilette or procured her corsets, is not ready to make her appearance. As to the accusation, now first suggested, of premature diligence and presumptuousness in Maine, in framing her constitution without leave of Congress, it was entirely groundless. She was not obliged to consult Congress on that subject in the first instance. Missouri could make no constitution without leave of Congress: for her domain must be granted by Congress, and especially described, before her jurisdiction could attach. She must ask of Congress, not only the power to make a constitution, but a territory whereon it shall operate; and without the last the former would be nugatory. But Maine has her territory in actual occupancy, with the consent of Massachusetts. She has only to request from Congress the simple faculty of coming into the Union.

Mr. O. said he would again remind the Senate of the act of the last session regulating the coasting trade, which he considered as a preliminary act to the admission of Maine. In consequence of this the people had incurred great trouble, made all their arrangements, and were now attending in Boston, by their Representatives, to complete the separation. Not only so, but the people of Massachusetts themselves would be compelled to alter their constitution so as to conform to the new order of things; and it is of immense consequence, to all parties, that they should be able to proceed. The people of Maine will indeed have great cause of chagrin and complaint. They have certainly deserved well of those who constitute the present political majority. They are a brave and generous race; they have furnished more than their share of the men who have fought all your battles in all your wars. What must be their glow of vexation and expression of surprise, to learn that their most reasonable request is refused, because one member of the Senate and their Representatives in the House cannot pledge themselves yet to vote for the admission of another State? Certainly this treatment is calculated to promote a needless disaffection. I will not enlarge, in the language of gentlemen who allude to the dropping of sparks and the spreading of flames—which I trust will never happen, though the pine forests of Maine,

when unhappily set on fire, would probably burn with as fierce a flame as the spire grass of Missouri.

Mr. LOGAN, of Kentucky, explained the views which had influenced him, as one of the select committee, to report the amendment. It was to come at a clear and distinct view of the merits of the questions embraced by the bill and amendment; to show, by placing them side by side, that the same rule must be applied to both: that no greater right existed to impose onerous conditions on the one than on the other of these Territories. If, said he, gentlemen will come across my boundary to affect my property, I wish to look over on the other side, and see how they stand. He was opposed to the recommitment, which he conceived wholly unnecessary, inasmuch as there was a substantive proposition now before the Senate, and it would be made no plainer by recommitment, which would in fact only be to consume time, unnecessarily, &c.

Mr. SMITH, of South Carolina, rose, principally, he said, with a view of answering some inquiries which had been made by the gentleman from Rhode Island, (Mr. BURRILL,) but, as he perceived him to be absent from his seat, he would advert to some observations of the gentleman from Massachusetts, (Mr. Mellen,) who had misconceived his arguments on yesterday. That gentleman seemed to think that he had conceded the power of Congress to impose restrictions on the new States about to be admitted. From the difficulty of hearing, which existed in that hall, the gentleman, might have entertained that opinion, but it was incorrect; his observations went no farther than to make a distinction between the claims of Missouri and Maine. The claim of Missouri, under the treaty of cession, was absolute and unconditional; that of Maine was not; it depended on the consent of Congress; and if restrictions could be imposed, it was on Maine and not on Missouri; because the latter was not under the control of Congress, but depended solely on her maturity for admission, when the right could not be denied her, but could be withheld entirely from Maine.

As it regarded the motion before the Senate, no possible purpose could be obtained, if it should be agreed to. All that was sought for was already before the Senate. The motion asked for Maine to be reported. Maine was reported. It came as a bill from the House of Representatives, and was unaltered in its form or substance, as respected Maine. The amendment by the committee was perfectly congenial to the subject matter of the original bill; and it was entirely agreeable to Parliamentary usage to engraft it on the bill, and consider them in succession. If the Senate should find it expedient to reject the amendment, it could do so.

It was somewhat difficult to ascertain what gentlemen wished. If they were not sufficiently prepared, and wanted time; or if they wished to wait for more aid on this question, and would move a postponement, he would, for one, vote for it.

He could not perceive why the admission of Maine should be so zealously pressed; and to palliate it we were told that Massachusetts had only given her consent provisionally, that Congress

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should adopt it into the Union before the fourth day of March next. Yet the gentlemen who represent that State had avowed that Massachusetts was fully assenting to the separation. Then can we for a moment suppose such a want of magnanimity in the Legislature of that State, that it would not immediately extend that consent, to effect an object in which it so cordially acquiesced at present.

The honorable gentleman from Rhode Island (Mr. BURRILL) was one of the committee who had reported the amendment to the bill now before the Senate. It appeared that the facts must have escaped his recollection when he asks upon what ground the committee reported the amendment. To this inquiry, Mr. S. replied that the committee had before them, at the time this amendment was agreed on, the memorial of the Legislative Council of the Missouri Territory. It was the original memorial, and would have been read before the committee for the benefit of that honorable gentleman, but that he deemed it unnecessary. This memorial had been furnished by the delegate from that Territory, had been regularly presented to the Senate, and in due form referred to the Judiciary Committee which reported the amendment. It was true, this memorial bore date twelve months ago, but it was to be recollected that the Senate was a perpetual body; nor was there any rule which required the memorial to bear even date with the time of presenting it. The Senate had, last session, acted on this very measure without any memorial, and without any regard to the population of that Territory.

The gentleman also has inquired if any survey has been had to mete out the boundaries and extent of this territory. The boundaries are given in the bill, and its population, (upwards of sixty thousand;) and it cannot be forgotten that, at the first session of the Fifteenth Congress, Illinois was admitted into the Union on the mere supposition, of the Legislative Council of that Territory, that it contained about forty thousand persons of all descriptions. The extent of Illinois is greater than that of Missouri, yet that honorable gentlemen, and all the Senate, voted for its admission, without one inquiry. Ohio was admitted on a suggestion only of its having a population of forty-four thousand; Mississippi of thirty-seven thousand. No census, no survey, was ever had or thought of. But Missouri is a devoted spot.

The gentleman from Massachusetts (Mr. OTIS) has spoken of seniority; that Missouri is the younger sister, and ought to wait till Maine, her elder sister, is provided for; and humorously tells us, Missouri is but Miss in her teens. What is the fact in this regard? Why, Missouri was a full-grown applicant for admission twelve months ago, at which time this Miss Maine was not conceived; but, in order to obtain rank, her birth has been hastened, and she brought forth, prematurely, a seven months' child.

That honorable gentleman has told us of the physical force of Maine; that they have a fine, well-trained militia; that they fought your battles and shed their blood during the Revolutionary

war, and fought and repelled the enemy during the late war. Mr. S. said he did not know why such stress had been laid on the military prowess of the people of Maine. He could not distinguish between the particular sections of Massachusetts. He knew she was highly distinguished for valorous achievements in the course of the Revolutionary war; but he fancied her fame stopped there. If she had achieved any thing during the late war, she had been most egregiously slandered. He forbore to enlarge on this subject; but he could say to that gentleman that there were as brave men to the South and West as any in the highly respectable and military State of Massachusetts. Missouri had her brave sons also.

Mr. OTIS said he had certainly been misapprehended if he had been understood to set up the military prowess of Massachusetts as an argument against connecting the two subjects of Maine and Missouri. He had said that a majority of the people of the District of Maine had been attached, and strongly attached, to the late administrations of the General Government, and had furnished many soldiers for the army during the late war. Without going further into the subject, which he hoped the gentleman's courtesy and comity would not force him to do on this occasion, he would venture to affirm that no State in the Union, taking Maine and Massachusetts together, had more men in readiness from the beginning to the end of the war; and that no State, except the single fact of not yielding the command of her militia to officers of the army of the United States, had a better understanding, with the officers of the General Government, for the purpose of co-operation in the defence of the country. He begged leave to add this further remark: that, look over the roster of the army, and apply at the public offices for information, and gentlemen would find as much Massachusetts blood was spilt, in the late war, as of any other State in the Union.

Mr. SMITH said he had no intention to raise the honorable gentleman's feelings, but was very glad to be informed on the subject from authority so satisfactory on this point as that of the honorable gentleman.

Mr. ROBERTS said he thought it important to bring back the attention of the Senate to the question actually before it. He disclaimed any intention, by his motion, to censure any member for the course he had taken; but, in order to come to a separate decision on the two subjects, he was desirous of disconnecting them, and his motion was the regular one for that purpose. He was willing to consider both the bills on the same day, but he did not wish them to be connected. Mr. R. made various remarks on the point of order, going to show the non-conformity of the report of the committee to the practice of the House. With respect to the surprise expressed by his friend from North Carolina at his (Mr. R.) having made the motion now under discussion, Mr. R. said he had thought there was a peculiar propriety in his doing it, from his having no immediate personal interest in it, as the Representatives from Massachusetts might be supposed to have. With regard to preparation for

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the question, he assured the Senate that he had made the motion without consultation or advice with any other member, &c. He again urged the propriety of disconnecting the two subjects. As respected the Missouri question, he said, he was ready, if his judgment did not mislead him, or his information was not incorrect, to show that there were restrictions in the bill which showed the absurdity of the argument that the restriction which had been alluded to was contrary to the treaty, &c. He might fail in this object, but such was his confidence on that question, and that too after a full examination of it, that he was as ready as they to come to the point. He doubted whether, on that question, even the fascinations of genius could lead him for a moment astray. On this point he said no more; but, as to the question immediately before the Senate, he might ask, as a matter of courtesy, as a member, that the question should be divided; but he preferred to ask it as a matter of right, due to the magnitude of the subjects involved.

Mr. DANA, of Connecticut, concluded the debate by some remarks on a point which had not been adverted to by others, or, he said, he would not have spoken. He objected to the course proposed by the report of the select committee, and was in favor of recommitment. Nine States, he said, had already been admitted into the Union since the adoption of the Constitution; and in no case had there been a connexion of two in one bill, and this for a very good reason. An act for the admission of a State into the Union, said Mr. D., is entirely distinct from all other objects of legislation. It is a question whether we will admit a new associate in the empire. It is an individual case in its very nature. It is not a case for which we can provide by a general law. We can no more do that by a general law, than we can, by such a law, declare whether members are duly entitled to a seat on this floor, so as to supersede the necessity of examining the credentials in each particular case. The House of Representatives, Mr. D. said, had, in its legislation, with very great propriety, confined itself to the question whether a single State should be admitted. It was in vain to ransack the annals of legislation, ancient or modern, for any analogy to the case now before the Senate. It could only have existed in our own history; and in that there was no example of the union of two States in one act of admission; and Mr. D. said they ought not to be united. If the provision were not made in the Constitution for the admission of new States, the general power of legislation would not have extended to it. Mr. D. cited the case of Kentucky, as precisely analogous to that of Maine; and showed that Massachusetts had followed, in her assent, &c., to the independence of Maine, the example set by Virginia. There had been a case, he said, in which, at the same session of Congress, one Territory had been admitted into the Union, and another authorized to form a constitution of State government; but the idea was never suggested of uniting them both in one act; the fact being that the reasons of the two acts were not the same. On the ground that acts of this description

were entirely different from all ordinary acts of legislation, and must in their nature be limited to particular objects, it was as improper to combine these two questions as to combine the questions whether two persons were distinctly qualified to represent particular States in this body.

Another consideration presented itself to him, whether there might not be established a system, by which, in the first place, the public lands west of the Mississippi should be exposed to sale; afterwards distributed into Territories sufficient for States, &c.; thus making out at once a whole system. He thought the subject of the admission of Missouri had not had that full examination it was entitled to. It was proposed to comprehend, within the boundaries of the new State, the Mississippi, the Missouri, the Osage, the waters of Kansas; thus giving it a position commanding all the passes into the interior. The extent of the proposed territory, Mr. D. said, was also too great. In arranging the limits of the new State, reference ought to be had to the whole extent of the country, and to the relations of its different sections. There was no occasion for haste in this matter; the people of Missouri were not in a state of suffering. They had already a local Legislature adequate to provide for their present wants, and a Delegate in Congress to represent their general interests.

The two subjects of Maine and Missouri ought to be distinctly considered and decided; and, with a view to effect that object, he was in favor of recommitment.

The question was then taken on the motion for recommitment, and decided, by yeas and nays, in the negative, by 25 votes to 18, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Horsey, Hunter, Lanman, Lowrie, Mellen, Morrill, Noble, Otis, Roberts Ruggles, Sanford, Tichenor, Trimble, Van Dyke, and Wilson.

NAYS—Messrs. Barbour, Brown, Eaton, Edwards, Elliott, Gaillard, Johnson of Kentucky, Johnson of Louisiana, King, Leake, Lloyd, Logan, Macon, Palmer, Parrott, Pinkney, Pleasants, Smith, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee.

So the motion was negatived; the Senate thus refusing to separate the conjunction of the two States of Maine and Missouri.

The Senate adjourned to Monday next.

MONDAY, January 17.

Mr. WILLIAMS, of Tennessee, presented the petition of Gabriel Winter and others, praying the confirmation of certain lands in the county of Arkansas, in the Missouri Territory, to the heirs of Elisha Winter, and to the heirs of William Winter; and the petition was read, and referred to the Committee on Public Lands.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of Edward B. Dudley and John M. Van Cleef, reported a bill for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred a memorial from the Legislature of the State of Indiana, praying for the establishment of an additional land office in that State, made a report, accompanied by a resolution, that the prayer of the memorial ought not to be granted. The report and resolution were read.

Mr. THOMAS gave notice that to-morrow he should ask leave to bring in a bill to prohibit the introduction of slavery into the territories of the United States north and west of the contemplated State of Missouri.

Mr. DICKERSON presented the memorial of Peter S. Duponceau and others, citizens of Pennsylvania, on the subject of domestic manufactures, praying the protection of Congress; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, gave notice that to-morrow he should ask leave to bring in a bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana, and Territories of Missouri and Arkansas.

The PRESIDENT communicated the petition of Daniel Hawley, of the town of Carmel, in the State of New York, praying assistance from Congress, in consideration of his discoveries and improvements in the useful arts; and the petition was read, and referred to the Committee for the District of Columbia.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to the "Act of March 3, 1809, further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Department," containing the several statements thereby required; and the report was read.

The PRESIDENT also communicated a report of the Secretary of War, comprehending contracts made by that department in the year 1819, in compliance with "An act concerning public contracts," passed April 21, 1808; and the report was read.

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The Senate then resumed the consideration of the admission of the State of Maine into the Union, as proposed to be amended by the annexation of Missouri. And the said proposed amendment being under consideration—

Mr. EDWARDS offered an amendment, having in view the principle of compromise (by exclusion of slavery from the other territories of the United States;) but subsequently withdrew it, to give an opportunity for the following motion:

Mr. ROBERTS moved to add to the amendment (whereby Missouri is proposed to be admitted to form a constitution) the following proviso:

"Provided, that the further introduction into said State of persons to be held to slavery or involuntary servitude within the same, shall be absolutely and irrevocably prohibited."

The said amendment having been read—

Mr. ROBERTS said his objection to the order followed in the introduction of this bill was a serious one. Irregularity in legislative proceedings

ought always to be avoided, but more especially on a question laying the foundations of a great community. I have thought, said he, and still think, (with deference to the decision had,) it has been an unfortunate course, and that this will be more apparent as we progress. Many remarks which fell from gentlemen in the discussion hitherto had, now invite reply. I have taken some care to arrange my thoughts for that purpose; but I have determined to withhold them at this time. The subject we are entering upon is one of great magnitude; claiming the coolest exercise of the faculties of the understanding, and the absence from the mind of all sorts of passion. I very much desire to avoid touching any and every subject, however pertinent, calculated to awaken impatience or dissatisfaction, or to use language which may be justly excepted to, as incompatible with this declaration.

It has sometimes been permitted, in God's providence, that a people should deliberately fix the great principles of their polity, under circumstances happily calculated to secure to themselves and their posterity the high blessings of his benevolent justice, so as to promise the fulfilment of the great end for which he created man—happiness. Such was the occasion when these States declared themselves free and independent; such was that that secured to the people of the Northwestern Territory the fundamental principles of civil and religious liberty; and such, let me observe, and not least in importance, is that on which we are deliberating. The people of these happy States were the first who proclaimed, before the Universe, "That all men are created equal; that they are 'endowed by the Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'" I pray you, sir, go back with me to the memorable era of which I am speaking. How stood the affairs of our ancestors when they adopted these truths as the maxims of their policy? The power of one of the mightiest nations of the earth was raised to crush them; that power was directed by the vindictive spirit of an incensed king, and parliament, and prejudiced people. A large mass of the people of America adhered to the mother country, ready to become her willing instruments in the worse scenes of the sanguinary conflict. The States were without government, without allies, without revenue, without arms, without military organization. In such a state of things, under such circumstances, they called the Supreme Judge of the world to witness that, as to them, his laws had been violated, and it had become their duty to resist oppression, and on the purity of their motives they invoked the protecting arm of his providence, and plighted their lives, their fortunes, and their sacred honor to vindicate the truth, that governments ought to secure to all men the inalienable rights of life, liberty, and the pursuit of happiness. What a prodigy! Truths that the speculative philosopher and retired philanthropist had hardly ventured to indulge, were now pro-

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claimed, as the bright gem which was to be obtained cheaply, at the cost of every danger man could encounter. All that before was wonderful, sunk into littleness. The fainting hopes of humanity were revived; the world was irradiated by the blaze of truth; it was as the voice of Justice crying from the wilderness, whither the arm of tyranny had banished her—Despair not, ye oppressed nations! My temples are not every where desolate. There is still a people determined and able to vindicate my empire! The pledge they gave was redeemed. The arm of that providence, besought with all the fervency of the prayers of suffering virtue, was extended to good men, engaged in a just cause, who had sworn to establish the great principles of social liberty, or fall willing victims to the high attempt. The oppressor was humbled to acknowledge our country was, and of right ought to be, free and independent. Magnanimous allies had been obtained during the contest, and the recognition of the independence of our country by Britain, removed the last caveat to our admission into the community of nations. History informs us, though independence and peace had been achieved, still much remained to be done, by a wise policy and just laws, to secure the benefit of the great principles consecrated at the birth of our political community.

In 1787 an occasion offered more felicitous than that in which the faculties of sovereign power were assumed, to apply the just, social principles unanimously recognised by the great act of the Congress of 1776. The cession of the Northwestern Territory by the several States claiming it, in full sovereignty to the United States, gave to the old Congress an opportunity of showing that peace and security had not weakened their faith in, or lessened their attachment to, the principles of the great corner stone of all our laws and constitutions—the Declaration of Independence. That instrument had the unanimous vote of the representatives of all the States; there were no geographical distinctions then; slaveholding and non-slaveholding States were not thought of. By one simultaneous act the Congress declared, and the States ratified the declaration, that governments were established to secure the enjoyment of individual rights, deriving their just authority from the consent of the governed.

At that time, let it be remembered, all the States contained slaves, and all the States declared, before the Supreme Judge of the world, that slavery was a violation of His truth, and admitted the binding obligation to remedy the wrong, when possible. Now, let us recur to the ordinance of '87, and the articles of compact it contains. I can do it justice in no other language than that declaring its purpose as laid down by the wise and good men who conceived and gave it effect. Thus it reads: "And for extending the fundamental principles of civil and religious liberty, which form the basis whercon these republics, their laws, and constitutions are erected; to fix and establish those principles as the bases of all laws, constitutions, and governments, which forever hereafter shall be formed in said territory; to pro-

vide also for the establishment of States and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest." Look at the scope and character of this declaration. Here, indeed, the great self-evident truths of which I have been speaking were applied, in full effect, to a virgin territory, unstained by the vices, untainted by the errors, and unembarrassed by the mistaken notions of interest incident to human society. They were the laws of God, applied to a country before it had been peopled, by a wise foresight, which has been often displayed, under the guidance of a kind Providence, by the councils of our country. At the era of Independence the wholesome maxims of our policy recognised could not have their full effect, because in the infancy of our settlements the curse of slavery had been entailed on us by a blinded and unkind mother country. All that virtue could require was, that so inveterate a disease should be relieved, by applying diligently discreet correctives, and, above all, guarding against the extension of the evil. Thus do we find, four years after peace had been settled, on cool deliberation, the federal council seized the first opportunity of planting the fundamental principles of civil and religious liberty, like seed sown in a soil received, as it were, from the hand of the Creator, where they designed them to flourish in eternal vigor, and spread their fragrant branches through the world. This mighty stroke of a wise policy was had under the utmost freedom from all bias of selfishness and of constraint.

The great men who executed this trust looked not at the bearings of interest or to the gratification of an unworthy ambition. The ordinance declares a second time that slavery was viewed as a great evil, and one for the existence of which the people of that day were not accountable. That States which found themselves under the sad necessity of permitting its continuance, might, at the same time, without inconsistency, declare again and again, all men are created equal. This immortal ordinance, which with its elder sister the Declaration of Independence, will shed eternal and unextinguishable lustre over the annals of our country, was also adopted by a unanimous vote. It was aye, aye, from New Hampshire to Georgia. Here again there was no geographical distinction. In this act of imperishable virtue Virginia had the largest share. She ceded the most extensive and best founded right to the territory. She left Congress free to impress on it the fundamental principles of civil and religious liberty. She gave her ready voice for the ordinance, and it is believed her representatives were among the most ardent advocates for the measure. I cannot look into the provisions of the articles of compact without burning with admiration of their principles, and the wisdom and virtue by which they have been consecrated. There are no marginal notes, or I would briefly recount them. The rights of the untutored Indian were guarantied, and, in the goodness and wisdom of the legislator, it was left open to his

hopes that his posterity might one day enjoy the blessings of the rights they secured. These blessings, Mr. President, have been already consecrated to three stars of your constellation—that will soon take rank as of the first magnitude. Ohio will probably appear in that character at the next census. I have spoken of the ordinance of 1787 as applying to a territory. But of what mighty magnitude is it! It is fitted to contain a mightier population than the mightiest of the old continents. If its history was not insulated by more comprehensive events, it might now stand as the world's best hope. In this instrument it was not necessary to repeat that all men are created equal; that was already inscribed on the corner stone of all your laws and polity. It was here enough to say, no man should be a slave, and that every man should have an equal share of civil and religious liberty, by the decree of unchangeable justice. So far we discover no holding back: all is one consistent, just, enlightened, and unvarying policy. Every thing seems to have been done in the divine spirit, breathed by the representatives of an oppressed people, in the Declaration of Independence.

About this period it became necessary to form a more perfect union, and the Constitution, framed by an assembly in which WASHINGTON presided, seemed to have put the last hand to the work which placed on an immovable foundation the fundamental principles of civil and religious liberty, whereon our republics, their laws and constitutions, are erected. That instrument, framed with almost superhuman intelligence, clothed the Congress with all legislative power granted in it, and with power to make all needful rules and regulations respecting the territory belonging to the United States; and all engagements were declared to be as valid against the United States under the Constitution as under the Confederation. Among the first acts of the new Congress, is one providing that the ordinance of '87 should continue to have full effect. At the formation of the Constitution this ordinance must have been well understood. It was enacted a little time anterior to the adjournment of the Convention, and was the harbinger of the great compact of Union. The councils from which they emanated were clothed with the power, and represented the majesty of the people, and it was impossible that the compromise resorted to by the Convention, in settling the rule of representation and taxation, should not have been considered as applicable only to the States then existing, and to those which might be admitted out of the territory of the good old thirteen. The same obligation of duty, consistency and regard to right, which induced the old Congress to prohibit slavery in the Northwestern Territory, could not have been inoperative in the Convention, as many States had long before abolished slavery; and nobody seems then to have thought it admissible, only under hard necessity. I think it will scarcely be contended, that, in '87, any of our councils could have contemplated the purchase of the territory which presents the great question on which we are now deliberating, or that such a question could have grown out of such an event.

The necessity for the free navigation of the Mississippi compelled us to acquire jurisdiction at least over it and the island of Orleans; they, however, were not to be had only as connected with the immense region of Louisiana, the limits of which we yet hardly know. Who could have imagined, at the time it was ceded, it would at this time be contended in the Congress, that it should be overspread with a slave population, and thus unsettle the compromise, had in the Constitution, in the delicate feature of representation. Originally, the compact was liberal towards the slaveholding States. In our progress, they have been almost exempted from yielding the equivalent stipulated, in direct taxation. The burdens of the impost revenue are by no means equal, as a free population must consume more than one formed nearly one, half of slaves. But, as God is my judge, I am entirely indisposed to touch or complain of the fair operation of the compact. I hope, devoutly, we may long continue exempt from direct taxes. The non-slaveholding States will continue to do, as they have done cheerfully, all that good faith and an attachment to the Union enjoins on them. Though on them the bargain works hardly, they will, when it shall be requisite, add their blood and treasure pledged to protect their co-States from domestic violence. But here they ought to stop: and further, it is hoped, there will be no disposition to drive them. For myself, I never can consent my representatives should vote with those representing property beyond the bounds of the old United States further than we have already gone.

The amendment proposed by the committee, if it be unmodified, presents this question: Shall a territory, foreign to that which composed the parties to the Constitution, be admitted as a member into the Union, on terms disparaging to our institutions, and for which there is not even a precedent? No State has yet been admitted into the Union, who has not been required to recognise in her constitution at least the principles of religious liberty; and four have been admitted who have been required, by irrevocable compact, to establish civil as well as religious liberty. But now, for the first time, the pretence of exemption from these wholesome and salutary recognitions is set up. I wish it to be understood, I am willing and anxious to see Missouri a State; all I wish is, that she may be admitted in conformity with the principles on which all the States in the Union rest, and according to those principles on which the Government has acted from the first. The report of the committee proposes her admission on grounds denying the best principles of free government, and in disregard of every usage of our own. The amendment will correct, in a small degree, the mischiefs that must result otherwise. It inhibits the further migration of slaves to the new State. The proposition is narrow, if admitted; but its rejection would be to set at naught the inherent rights of man in this widely spread region. The covenant of our fathers, made in the dark days of peril and calamity, which the Supreme Judge of the world was invoked to witness, will be obliterated, and the compromise of the Constitution, in its

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most delicate feature, will be given to the winds. It is contended that new States are to be admitted into the Union on the footing of original States. These words are not found in the Constitution. It may be well to inquire how these words have gotten into the acts of Congress admitting States. We do not find them in those admitting Kentucky and Vermont. The phraseology used in these cases is, "entire new members."

In 1787, North Carolina ceded to the United States the territory which is now called the State of Tennessee. In the cession she stipulates, among other things, that the inhabitants of that territory should enjoy the benefits of the ordinance, save only that the Congress should pass no law tending to emancipate slaves. In this, I apprehend, it will hardly be contended she was binding them by restrictions, but that it will be allowed she intended to secure to them all the liberty their condition would permit. This recognition and ratification of the ordinance is proof of the estimation in which its principles were held; and Tennessee has been admitted under its enfranchising, or, as you will call them, restricting provisions, and has long appeared amongst us as an ornament to this body. On her admission are the words, "on an equal footing with the original States," first used. She being the first State admitted under the articles of compact in the ordinance of '87, the words were from thence transplanted, and, like texts from another book, not standing in their original relation to other words, their meaning has been misunderstood. Turn to the ordinance and they are made plain. It there reads, the "new State shall be admitted when it shall have sixty thousand free inhabitants therein, by its delegates in the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government; provided the constitution and State government so to be formed shall be republican, and in conformity to the principles contained in these articles." These are conditions under which seven new States have been admitted into this Union, save only the article respecting slavery has been silent in the admission of Tennessee, Mississippi, and Alabama, and, by especial reservation, it has not been required of Louisiana to forbid slavery.

Can it be possible, after this long-settled construction, it shall be seriously contended that the Congress, in the admission of Missouri, can propose no check on the evil of slavery, and, by parity of reasoning, none on any portion of the country acquired under the title of Louisiana? We have seen Mississippi and Alabama brought into the Confederation, under compact to permit slavery. Louisiana has been so admitted in the discretion of Congress. On what grounds I know not, but I am bound to believe from what was understood to have been uncontrollable necessity. If so, it can avail Missouri nothing, as no such necessity exists in this case. The amendment has, I have to regret, but a limited operation on slavery. It is not proposed to free the slaves in Missouri, but to prevent their increase by emigration. This principle

does not touch at all the provisions of the treaty. The country is to be eventually incorporated into the Union, it is admitted. We are all anxious the portion in question should. The dispute is, shall she be admitted without securing to her the franchises of civil and religious liberty, as far as her condition admits of its being done. Congress have power to prevent the migration of slaves, and though lexicographers may not be uniform in their interpretation of the word in general acceptation, it means change of place; so it has been construed by the Congress. An act now exists prohibiting the migration of slaves to Louisiana, in any manner, but as *bona fide* the property of persons actually going to settle within it. I know it will be alleged that it is repealed. But I have searched the statute book, and looked into the constitution of Louisiana, and can find no repeal of it. The section I allude to is as follows:

"It shall not be lawful for any person or persons to import, or bring into the said Territory, from any port or place without the limits of the United States, or cause or procure to be so imported, or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves; and every person so offending, and being thereof convicted before any court within said Territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same, and every slave so brought shall thereupon become entitled to, and receive his or her freedom. It shall not be lawful for any person or persons to import or bring into said Territory, from any port or place within the limits of the United States, or to cause or to procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves which shall have been imported since the first day of May, one thousand seven hundred and ninety-eight, into any port or place within the limits of the United States, or which may be hereafter so imported from any port or place from without the United States; and every person so offending, and being thereof convicted before any court within said Territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported, or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same. And no slave or slaves shall be introduced into said Territory, directly or indirectly, except by a citizen of the United States, removing into said Territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave brought into the said Territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom."

If this be the law, where is your wonder-working writ of *habeas corpus*? Are your Judiciary asleep, and your law a dead letter? If I be mistaken, I hope to be corrected; but it is enough for my purpose to show such a law has existed, and that the power of Congress to regulate the migration of slaves is not a new doctrine, nor now first proposed to be exercised. It proves incontestably the motion I have now offered has not hitherto been deemed

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as conflicting with the provisions of the treaty of cession. I am willing to consider Missouri as an inchoate State; no one will more gladly see her admitted into the Union; but I wish to see the page of her constitution irradiated with the fundamental principles of civil and religious liberty—to see her become a party to that covenant round which the patriots of '76 pledged their lives, their fortunes, and their sacred honor. The committee have attached the admission of Missouri to the bill for admitting Maine, under the pretext of congeniality. How insufficient the pretence! What ludicrous incongruity do the two propositions present! You are not acting on a section of two or three lines; as to Maine, it is her constitution you are ratifying. What do you find on the front of it? "Article 1, section 1: All men are born free and equal, and are free to worship God in their own way." Here is a substantial pledge to the good old faith. To her we may say, Come, sister, take your place in our constellation: the lustre of your countenance will brighten the American galaxy. But do not urge us to admit Missouri, under a pretence of congeniality—with the visage of a savage, deformed with the hideous cicatrices of barbaric pride—with her features marred as if the finger of Lucifer had been drawn across them.

In all former cases of admission, Congress had given a previous pledge as to terms; but here, the question is without this influence. No pledge has been given. The act of 1812, the latest passed respecting the government of this Territory—by the way a very liberal one for a colony—provides a bill of rights. I will recur to it:

"The people of the Territory shall always be entitled to a proportionate representation in the General Assembly; to judicial proceedings according to the course of the common law and the laws and usages in force in said Territory; to the benefit of the writ of *habeas corpus*. In all criminal cases, the trial shall be by jury, of good and lawful men of the vicinage. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land. If the public exigencies require, for the common preservation, to take the property of any person, or to demand his particular services, full compensation shall be made for the same. No *ex post facto* law, or law impairing the obligation of contracts, shall be made. No law shall be made which shall lay any person under burden or disability on account of his religious opinions, profession, or mode of worship; in all which he shall be free to maintain his own, and not burdened for those of another. Religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools and the means of education shall be encouraged and provided for from the public lands of the United States, in said Territory, in such manner as Congress may deem expedient."

Here are some of the essential principles of civil and religious liberty, secured to the Territory by statute. They are, as far as they go, the principles of the ordinance of '87; but they are merely statutory, and not compact; and if they be omit-

ted in the constitution of the new State, they cease to have effect. It has hitherto been the unvarying policy, in admitting new States, to make the great franchises matter of unchangeable compact.

The idea is somehow entertained, that a State, once establishing the just principles of civil liberty, may at pleasure withdraw the security on which she has placed them; and, of course, religious liberty also. If this be the fact, we are not so far removed from tyranny and oppression as I had hoped and believed us to be. Can Vermont, New Hampshire, Pennsylvania, or Ohio, authorize and establish slavery? I hold the idea is without foundation. Such a power in the constitutions of all these States is held to be incompatible with the nature of legislative trust, and is excepted out of the powers of government. I would gladly give Missouri the same franchises Pennsylvania enjoys, whose humble representative I stand here, and whose rights, as a member of the Federal Union, I cannot abandon, on any plea of convenience to Missouri. I do not deny Pennsylvania has her slaves, but her laws have allowed no child born since 1780 to be held as a slave. In pursuance of the Declaration of Independence, she has acted on the principle that all men are created equal; she has broken the rod of oppression on the altar of justice, and the oppressor has disappeared before her uncreating word.

Mr. President, if this amendment is to be rejected, it must be either on the ground of a want of power to arrest the evil of slavery, through the operation of the Constitution or the treaty, or from uncontrollable necessity. I trust it will be found the Constitution imposes its adoption; the treaty does not touch the case, and that there exists no necessity to extend slavery in any future admission of States. There is no ground on which slavery can be extended in Missouri, that will not apply to the whole region west of the Mississippi. And, here, what an abyss for reflection opens! Shall we depart from those truths that lighted our fathers to independence and liberty—and to what end? Surely not for any other but unavoidable necessity. That necessity, I am confident, will not be found to exist; and I therefore hope this fearful policy will not be pursued, of extending to endless generations the evils of slavery over the widely-spreading territory beyond the Mississippi. I promised you, sir, in the outset, to avoid, if possible, a course of observations that might awaken feelings of heat, impatience, and unkindness, without necessity. The proposition I advocate is founded too much in truth and reason, to admit the language of crimination and reproach in the discussion of it. As far as human frailty would allow me, I hope I have kept my faith. On a former day, my friend from Virginia (Mr. BARBOUR) seemed to incline to the opinion that men had degenerated since the formation of our Constitution. Prosperity is a trying season to virtue, but still I hope the vigor of our principles will be found unimpaired. In this, as in another jurisdiction, it may be wise to commence the contest with missiles. For the present, I am disposed here to rest the subject.

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Mr. ELLIOT, of Georgia, said, with a knowledge of the talents which would be called forth on this occasion, in behalf of the rights of Missouri, it might seem unnecessary for one so unskilled in parliamentary debate, to obtrude his humble efforts on the attention of the Senate. But, said he, the magnitude of the consequences which may grow out of the decision about to be made, and the weight of responsibility resting upon every member charged with the consideration of the subject, urge me to rise, as I honestly conceive, in support of the Constitution of my country, the faith of its Government, and the future peace and harmony of the Union.

As it is essential to a correct and liberal discussion, that the point at issue be clearly understood and dispassionately examined, all irrelevant matter should be cautiously rejected, and the mind brought to the investigation with its powers unembarrassed. How much to be regretted, then, is the public excitement which has been produced in anticipation of this debate! It is, I fear, not well calculated to insure a decision of this question upon its merits. The voice of the people should be heard, and always heard with deep attention and due respect. But, when feelings are thereby excited which do not belong to the subject under consideration, you are bound, by the strongest obligations of duty, to exclude them from these walls. Here the passions should be suffered to sleep, while to the unbiased judgment and the enlightened conscience are committed the decisions which may be recorded in your journals.

What, then, sir, is the question we are called upon to decide? Does it involve the liberty or slavery of the black population of the United States? On this subject the Constitution has wisely interdicted the interference of the General Government. Does it seek a suspension of the law prohibiting the unhallowed trade to Africa, until the people of Missouri shall have accommodated themselves with slaves from that unfortunate country? No such sacrifice of feeling or policy is asked at your hands; on the contrary, the prayer of the people of Missouri, if granted, would not affect the liberty of a single freeman. Neither of these subjects being before the Senate, the arguments and feelings which grow out of them are alike foreign to the present discussion. But the people of Missouri do ask of you to fulfil your solemn engagements in their behalf, and to admit them into the Union, "according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." The question then is, will you thus admit them?

Indulge me, sir, with your attention for a few moments, while I briefly consider their claims to such admission: 1st, under the Constitution; 2dly, from the obligations voluntarily assumed by the United States, in the treaty of cession, of the 30th April, 1803; and, lastly, from the suggestions of sound policy. In the 3d section of the 4th article of the Constitution, it is declared—"New States may be admitted by the Congress into this Union;" and in the subsequent section of the same article,

"The United States shall guaranty to every State in this Union a republican form of government." By the first section Congress is obviously clothed with discretionary power to admit, or not to admit, new States into this Union. But, whenever this power is exercised in the admission of a new State into this Union, the United States become bound, by the second section, to aid in the support of a republican form of government within her limits. Hence, the power claimed by Congress to exact a constitution on republican principles, as a condition to the admission of a new State into this Union. The condition is the necessary result of the obligation previously imposed upon the United States to guaranty a republican form of government to each State; and it is to be considered as an evidence of the patronage of the Constitution, rather than as any authority to impose restrictions on the States.

The second section of the fourth article declares—"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." A new State, then, when once admitted into this Union, becomes possessed, by the very act of admission, of all privileges and immunities of the old States. But the old States claim and exercise the privilege to alter and amend their constitutions at pleasure. This is accorded to them as an inalienable, indefeasible right, essential to self-government—and in the use of this right they are unrestrained, provided they preserve the form of the Government, and do not violate the Federal Constitution. But, the admission of involuntary servitude into a State, does not affect the form of the Government, nor violate the Federal Constitution; for one-half of the States in the Union allow it, and the Federal Constitution expressly recognises and sanctions it. Under the Constitution, then, any State in this Union may admit involuntary servitude within its limits, in the exercise of its unquestionable right of self-government; and Congress cannot be supposed to have power to impose a restriction, which the State has authority to abrogate at pleasure.

But it is contended by the honorable gentleman from Pennsylvania, (Mr. ROBERTS,) that, since the year 1808, Congress has acquired authority, under the ninth section of the first article, to impose the contemplated restriction. This section reads: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." The terms migration and importation are not synonymous. Migration implies volition, choice, self-direction—but these belong not to a slave. He may be carried or imported, or he may abscond, but he can never *migrate*. The Irish, the Scotch, and the Dutch, *migrate* to this country, and it was probably to prevent Congress, until after the year 1808, from interdicting this practice, under the authority given to that body "to establish a uniform rule of naturalization," that the word migration was introduced in this section. But *importation* applies to slaves. They were imported; and the last

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clause of this section is conclusive as to the correctness of this exposition—"but a tax or duty may be imposed on such *importation*, not exceeding ten dollars for each person." The subjects of this tax or duty were persons *imported*, while those who *migrated* were suffered to enter our ports without the imposition of any duty. This section is restrictive, and restrains the power of Congress to prohibit the importation of slaves or the migration of foreigners prior to the year 1808. Since that period, Congress has very wisely acted upon the subject of the slave trade, and, under the authority imparted by the Constitution, "to regulate commerce with foreign nations," such laws have been passed as promise at no distant period its entire suppression. But Congress has never attempted to prevent the transfer or removal of slaves from one State to another at the will of their owners. The section restrains no such power, for no such is given in the Constitution. The truth is, it is a right claimed and exercised by the States, and they will never surrender it. Congress has no authority for claiming it.

But the latter part of the third section of the fourth article, it is supposed, gives to Congress competent authority on this subject. It reads—"The Congress shall have power to dispose of and 'make all needful rules and regulations respecting the territory or other property belonging to the United States.'" Under the authority here given, Congress may lay out and dispose of the lands of the United States; and when inhabited, make such rules and regulations as may be needful for the civil government of the territory. But the question before the Senate is not what rules and regulations Congress may make for the government of a territory. It is, I conceive, sir, entirely a distinct subject of inquiry, and, therefore, cannot depend for its decision upon any authority drawn from this clause. Whenever the question respecting the powers of Congress to impose restrictions on the Territories shall come up, it will be time enough to argue it; at present it ought not to be permitted to embarrass the point at issue before the Senate. To me, then, the Constitution does not seem to countenance the inhibition sought to be imposed by the amendment.

But, sir, the treaty of cession of the 30th of April, 1803, is still more explicit on this subject. The third article provides that, "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The only difficulty which presents itself here is, to adopt any train of reasoning, by which the right of Missouri to an unconditional admission into the Union, can be made more obvious than it is rendered by a bare recital of this section. It seems to me not very unlike an attempt to prove a self-evident proposition. Under the Constitution, it is manifest Con-

gress may refuse admission to a new State. But here the General Government stands pledged not only to admit Missouri into the Union, but to do so as soon as possible; that is, so soon as she shall be in possession of the legal requisites; and when admitted, to receive her "according to the principles of the Federal Constitution," by which is intended, "under a republican form of Government," guaranteed to her by the United States in conformity with the provisions of the fourth section of the fourth article of the Constitution. And, sir, as it regards the plenitude of the rights which are to be acquired by this admission, it is declared to be "to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." Now, all the rights, advantages, and immunities, of the citizens of the United States, is a phrase of the most extensive latitude, and must necessarily include the momentous and inalienable right of self-government, which appertains to all the States. But many of the States, in the exercise of the right of self-government, have established, and do permit, involuntary servitude within their limits. Missouri, then, when admitted, may so amend her constitution, under the enjoyment of the same right, as to admit slavery within her jurisdiction. And yet, it is contended that Congress can impose a restriction which the State, at the moment of her admission into the Union, will have a right to annul! Again, in the last clause of this section it is expressly agreed, that, "in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." But a part of this property, for the protection of which the United States stand thus solemnly pledged, was, unquestionably, slaves. The Congress, thus, not only has no power to impose the contemplated restriction on the State of Missouri, when admitted into the Union; but having guaranteed to the owners of slaves, in the ceded territory, the free enjoyment of their property, that body could not, under any Territorial regulation, have imposed such a restriction. That the General Government thus understood the obligations of the treaty may be fairly inferred from its practice under it. Since the acquisition of Louisiana from France, no attempt has been made by Congress to legislate on this subject; and the inhabitants have been left to the uncontrolled management and direction of this species of property. In the year 1812, when a part of this Territory, under the name of Louisiana, was admitted into the Union, the admission was unconditional as to this subject, and that part of the territory was received on the footing of the original States.

It is evident, then, before the last session of Congress the General Government never believed itself possessed of any authority to interfere with involuntary servitude within the territory acquired by the treaty of the 30th of April, 1803. And no competent authority, I really believe, can be produced for such interference at this time. Sound policy, also, Mr. President, forbids the imposition of the contemplated restriction. Slavery was an evil found in this country at the formation of the present Government; and it was tolerated because

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it could not be remedied. And how is it ever to be remedied? Surely not by circumscribing the slave population within narrow limits, and thereby rendering their numbers equal or superior to the free population of the States to which you would confine them. This would be to insure their perpetual servitude, or their extirpation by the sword. The color of this people must for ever prevent their amalgamation into the common mass of the population by intermarriage, and their numbers, in such a state of society, would threaten an influence in a political point of view, which would always prevent their emancipation. As to the idea of their being removed from this country, and settled as a colony in some other, I fear it is too visionary for practical men to rely on. While we accord to the benevolent society formed for this purpose the most pure and exalted motives, is it at all probable their means will ever be adequate to the end they have in view? But disperse this people, who would be so formidable when confined to narrow limits; suffer them to spread over an extensive country, and they would be lost amidst the great body of the white population which would surround them on every side. In this situation they might be gradually emancipated without endangering the safety of the State governments; and, when emancipated, they could be supported on hire, at voluntary servitude, without greatly lessening the productive labor of the country. But should they never be emancipated, it is unquestionably the duty of those who hold them in bondage, and of the nation which tolerates the act, to unite in the adoption of such measures as shall meliorate their condition, and render their servitude not more burdensome than that of the laboring class of any other section of the nation. The comforts and privileges of this people being generally in an inverse ratio to the numbers placed on any one plantation, the wider their dispersion, the greater will be their comforts and the less burdensome their servitude. If the voice of humanity, then, is to decide this question, it will be found against the restriction, as cutting off the only hope of eventual emancipation, while it lessens the comforts and increases the labors of the servitude which it renders inevitable.

But, sir, there is yet another view in which this restriction is condemned by the soundest policy. The union of these States is the foundation of our individual happiness and national prosperity. Whatever has a tendency, however remotely, to put at hazard this inestimable blessing, should excite our warmest opposition. But the strength of this Union must depend upon the sameness of the political institutions, and the equality of the rights which are secured to the States that compose it. No confederation can long outlive the occasion which gave birth to it, unless it is the interest of all the parts to continue united. The Roman and Grecian confederacies, formed for external defence, were powerful for that purpose while the causes which produced them were in operation. But no sooner was the outward pressure withdrawn, by which, like a spell, their component parts had been bound together, than the discordancy of the politi-

cal materials with which they were composed began to appear; and they became the unhappy victims of disunion and civil war!

The confederacies of Germany, Holland, and the Swiss Cantons, promised at one time to be perpetual. But that of Germany being constructed of free cities and petty States, governed by different Princes, could not long withstand this serious imperfection in its internal organization. While the States which formed the others, estranged from the General Government by the inequality of the rights which they enjoyed, became a prey to the policy of their ambitious neighbors. But the wise framers of our admirable Constitution, with a forecast as to consequences which does infinite honor to them, have taken care to insure to all these States the same form of government, by making it the duty of the United States to guaranty to every State in this Union a republican form of government. This great provision, so essential to the soundness and duration of a confederacy, is thus secured to us. And I have no doubt it was believed the other great principle of equality of State rights was also settled by the same instrument. Is it then politic in Congress, by a constructive legislation, to impose restrictions upon the States hereafter to be admitted into the Union; thereby producing an invidious inequality in the rights and privileges of the States? Will this not be to sow the seeds of jealousy and distrust? whose baneful fruits, I fear, may be disaffection, opposition, and disunion. Shall the fair prospects of this young and rising nation be shrouded in darkness, that the sickly suggestions of a visionary humanity may be indulged? Nor, sir, let it be imagined that I magnify the evils which may grow out of this amendment.

Causes, apparently inconsiderable, have often produced consequences highly momentous. The exactions of the British Parliament against the rights of the then colonies of this western hemisphere, trifling in degree, but important in principle, awakened that spirit of resistance which led to the Revolutionary war, and finally consummated the independence of this nation! The gentle stream which rises almost unperceived from beneath your feet, increased and strengthened in its course, by others equally contemptible in their origin, swells at length into a resistless torrent; and the kindling of a spark often ends in the conflagration of a city.

Impose this restriction, sir, and it will lead to others. Every interest in the nation, when it shall become strong enough to pursue its favorite object, will plead this as a precedent, and, in the exercise of the power it may have acquired, will not hesitate to exact such further conditions from the new States as shall suit its purpose—until the States, hereafter to be admitted, will not be so much distinguished by the dates of their admission, as the inequality of the rights which they may be permitted to enjoy under the confederation. Under such a course of policy, I do not say the Union must inevitably be dissolved. But, I must be permitted to say, any Union which can subsist under such circumstances will be scarcely

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worth maintaining. The contemplated restriction, then, sir, is, in my humble view of the question, unauthorized by the Constitution; is in contravention of the provisions of a solemn treaty; and opposed by the suggestions of sound policy.

Mr. MORRIL, of New Hampshire, said it was with reluctance that he rose to address the President of the Senate on this subject. I approach it, said he, fully impressed with the peculiar sensibility which is excited in this House when it is discussed. I am not insensible of the force of argument, the power of eloquence, and the weight of numbers, those must encounter who take the affirmative of this question. But, sir, it is a duty which I cannot evade without doing violence to my own conscience and disappointing the expectation of that respectable portion of community whom I have the honor, in part, to represent. It is a duty I owe to myself, my constituents, and my country. The decision of this question, sir, is not to affect a small section of the country only, but a territory more extensive than all the rest of the United States will have occasion to look back upon the measures of this Congress with joy or sorrow, delight or regret, perhaps, to the last period of time. Yes, sir, unborn millions will feel the effects of your laws, and rise up and call you blessed, or justly execrate the policy that permits one portion of the citizens to trample on the rights of the other, and transform those into despots, and these into enemies of their country.

Mr. President, when I cast my eye over this widely-extended empire, and behold it still extending, I inquire, with deep solicitude and inexpressible anxiety, what will be the situation of my beloved country a century or half a century to come? Will this growing Republic rise like the cedar of Lebanon, and flourish like the palm tree? Will its extensive branches and fragrant leaves cheer and heal the innumerable inhabitants of this immense domain? Will its civil and religious liberties be preserved? Will its intellectual and moral improvements progress and keep pace with its rapid population and increasing wealth? Sir, history furnishes us with no fact on which we can found this hope. Republics have risen and fallen, empires have been shaken, and kingdoms demolished. But, sir, for my country I would ardently desire a better fate, that she may convey to posterity her inestimable blessings, and thereby outlive the convulsions of nations.

Mr. President, this may be the case; but to insure it, our Government must be wisely administered, our liberties and morals preserved from contamination, and the principles of the original compact—"the palladium of our rights"—kept sacred and entire. This will cement the bonds of affection, sustain the Union, and give that energy to the Government that the combined power and influence of the world will be unable to impair. But, sir, violate these, and this political fabric is racked to its centre. As an honorable gentleman intimated, it may occasion a tremor in the West, agitation in the East, and convulsion in the centre, and chaos through the whole.

Watch them with caution and vigilance, and

this growing Republic rises as the cedar and soars as the eagle.

Sir, we are as liberal and as accommodating as any people on earth, and we are as tenacious of our rights. We know how we obtained them, and we know how to preserve them.

Mr. President, our forefathers quit the land of their nativity, the air which gave them birth, the associates of their youth, that they might enjoy civil and religious liberty. These were more precious than the possession of wealth, and the society of friends in a land of intolerance. They ploughed the mighty deep, they endured fatigue and danger, and implanted themselves on the inhospitable shores of a savage land, and there they erected the standard of liberty. They were Republicans in heart, pious in their profession, and virtuous in their practice. But they were not beyond the reach of oppression; the strong arm of power was extended across the Atlantic. They felt their weakness and dependence; they saw the hand which had been extended for their preservation and safety; they implored a divine benediction. Sir, the cause of this country was the cause of liberty, of truth, and of righteousness. A kind Providence interposed, and we were strangely rescued from the iron grasp of an unrelenting foe.

Omnipotent was the power, and marvellous was the deliverance!

Mr. President, independence was the high destiny of America; it was the decree of the Holy One; its banner was unfurled; its enjoyments anticipated; liberty and equality had "free course;" and a Constitution, the admiration of the world, the dread of tyrants and the boast of freemen, grew out of the mighty conflict. This, sir, is the instrument which I have sworn to support, the polar star to direct my legislative course. Let no unhallowed touch profane the sacred ark of your liberties; preserve it inviolate, and its light, like the fiery pillar of captive Israel, will conduct you safely through all the toils and perils of your political journey, cheer the desert of your Western country, and cause the hearts of millions to rejoice. Sir, this is the standard around which we rally. Guard it with watchfulness, and you are safe; violate, or pervert it, and a train of evils, too dreadful to imagine, will be the probable result. Sir, do you demand proof of our patriotism and attachment to our Constitution and country? We point you to Bunker Hill, Bennington, Trenton, Princeton, and Monmouth. We have met the Power that spurned us, we took our lives in our hands, and faced the foe that bid us defiance. This was the day that tried men's souls. We have lavished our strength, our treasure, and our blood, in the first and second war, to sustain, triumphant, the ark of American liberty. In the name, then, of our Constitution and your plighted faith, with confidence bordering on certainty, we approach an enlightened, liberal, and magnanimous Legislature, and only ask the protection and preservation of our guaranteed privileges. We do not mean, sir, in the attitude of humble suppliants, to implore a favor for which we have no just claim; but to remind you of your solemn compact—our

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mutual agreement. Sir, are pledges of our sincerity and integrity required? We present you the best securities of which a Republic can boast—faith never violated, hearts never corrupted, valor never surpassed, and affections cemented to the Government by ties of reciprocal advantage.

Mr. President, I have arrived at a point which I lament I am compelled to disclose. It is my deliberate opinion, that the uncontrolled extension of involuntary servitude will tend to impair all those virtuous qualities that I have named, which I deem the stamina, nerve, muscle, and hope of the nation. Alienation of affection and discord are the ruin of a country. "United we stand—divided we fall."

Sir, the magnitude of this subject, the importance which I conceive is attached to it, and the vital principle which will be affected in its final decision, are the only apology which I offer, for viewing it in the several points of light in which it presents itself to my understanding. In the first place, to clear the most formidable obstacle out of the way, I shall endeavor to demonstrate, that Congress have a right and power to prohibit slavery in every territory within its dominion, and in every State, formed of territory acquired without the limits of the original States.

This right and power are derived from the Constitution; article 1, section 9. "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

Here is a grant of power suspended for a certain period. It amounts to this: Congress may, after the year 1808, pass laws to prohibit the migration and importation of slaves. I understand the sense and meaning of this clause to be, that the power of the Congress, although competent to prohibit such migration and importation, was not to be exercised with respect to the then existing States, (and them only,) until the year 1808; but that the Congress were at liberty to make such prohibition as to any new State which might, in the mean time, be established. And further, that, from and after that period, they were authorized to make such prohibition as to all the States, whether new or old.

It will, I presume, be admitted, that slaves were the persons intended. The word slaves was avoided, probably on account of the existing toleration of slavery; and its discordancy with the principles of the Revolution; and from a consciousness of its being repugnant to the following positions in the Declaration of Independence: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

That this exposition is correct, I infer from the common acceptation of words, and the fact that Congress did, in March 1807, pass a law to take effect on the first day of January, 1808, prohibiting the further importation of slaves. No objection has been made to the constitutionality, expediency, or policy of this law. The whole nation viewed it as one step towards accomplishing the

object the framers of the Constitution evidently had in view. It may be of use to us to inquire, what was the understanding, and what was their design, in introducing this paragraph into that instrument? If you examine the Journals of the Federal Convention, sir, you will find it was not hastily or incautiously adopted, without deliberation, but after critical analysis and profound investigation.

Mr. President, it is a sound principle in expounding a law, to give to every word a meaning and an operation, and be governed by the evident design of the legislators; so, in explaining the Constitution, we are surely on safe ground, to pursue the object its authors evidently had in view, by giving to every word some meaning and operation. Does it not appear, from the words of that instrument, it was their intention to arrest the progress and prevent the further extension of involuntary servitude? Let common sense put a purport upon our Declaration of Independence, the letter of our Constitution, and the spirit of our Government, and this must be the result.

It is well understood, that this question tried the feelings and excited the interest of that body perhaps more than any question they discussed. But to obtain a Constitution, they came to a compromise; and, in this compromise, there were mutual sacrifices. The large States agreed that each should have two members in the Senate, and the non-slaveholding States consented that the black population should come into the calculation in the apportionment of members in the House of Representatives, and the payment of direct taxes. It was the opinion of some, that involuntary servitude ought to be totally excluded; and of others, that it could not be, but might be meliorated and restrained. This produced the compromise, "the States now existing," which have admitted slavery, may continue to do so, on this condition: "Congress may, after the year 1808," pass laws to prevent the "migration" and further "importation" of slaves. To this proposition they agreed. This confirmed the compact. It is now binding on the whole. And this Congress are to be controlled by its principles. We wish neither to disturb the compact, nor violate our plighted faith. We lament the degraded situation of the slaves, and the misfortune of those who hold them; but we mean to attach no blame to them; it is an evil produced by a cause which was never within the reach of the present generation.

Sir, the words "migration" and "importation" are used. I am bound, by every principle of analogy, to give them a meaning and operation. I am not allowed to believe that they are placed here without design and without meaning. They are not synonymous; they mean different things. "Importation," has been explained by the law of 1808, and means the bringing of persons or things from a foreign country to this. The meaning of "migration," is more circumscribed; it is merely changing place of residence. "Importation" cannot take place without "migration," but "migration" may be effected without "importation" or exportation. Hence, the letter, spirit, and true mean-

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ing of the compact is, "the States now existing," which have thought proper to admit slavery, may retain their slaves as long as they please; but, after the commencement of 1808, Congress may by law prohibit the importation of any more, and restrain those who are then in servitude to the territory or States where they may then be found.

Then Congress have, by the letter and spirit of the Constitution, a right not only to prohibit the importation of slaves into this country, but also their migration into any State or territory, except those within the jurisdiction of the original States, which admitted slavery at the time of the adoption of this Constitution. It is equally clear, if Congress have a right to prohibit importation, they have migration; because the same clause which gives the power in the one case, does in the other. That slaves are the persons here intended, and none other, seems to be too clear to admit a doubt. "The migration of such persons (slaves) as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." "The importation of such persons (slaves) as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." This importation could not be entirely suppressed till 1808, but might be checked by a tax. If these words are synonymous, they are convertible terms. Should it be said there were three hundred persons migrated into Savannah, in the ship *Eliza*, would not the meaning be obscure? Again, fifty families have recently imported into the State of Illinois, is equally unmeaning; but convert the terms, and the sense is perfectly intelligible.

And, sir, if the framers of the Constitution viewed slavery an evil, (a fact of which we cannot doubt,) the progress of which they meant to arrest, in my view, no other consistent explanation can be given to this clause, in that instrument, than the one I have suggested. No other course could effect the object primarily in view; and this was adopted by mutual agreement. Sir, permit me to ask, why have the slaveholding States any reason to complain? Have they not all that they had reason to expect? Have the other States any more? Why, then, may we not be content to maintain and adhere to our original agreement? "Individuals entering into society must give up a share of liberty to preserve the rest. The Constitution is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable."*

Mr. President, having given my views of that section of the Constitution which respects the migration and importation of slaves, I shall now attempt to show that Congress have a right to prescribe regulations for territories, and conditions on the admission of new States into the Union. This may be argued from the resolution of Octo-

ber 10, 1780, and the ordinance of July 13, 1787. The old Congress proceeded upon uniform and immutable principles, which grow out of the nature of things, the nature of Government, and the condition of mankind. They viewed every State as a limited sovereignty whose interests were incorporated with those of the Union: that they were sovereigns of their soil, and had entire control over their territory—yet had not all the attributes of independent sovereignty. "It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all."*

One principle on which Congress fixed was, that its territory was as perfectly under its legislative control as the territory of any State was under the legislative control of that State. On this principle was passed the resolve of October 10, 1780. "The unappropriated lands that may be ceded to the United States, by any particular State, shall be disposed of for the common benefit of the United States, and be settled, and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States." On the same principle, with the same view, and explanatory of this resolve, Congress passed the ordinance of July, 1787, respecting the territory Northwest of the river Ohio; the sixth article of which says: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." They declare the objects of this ordinance are, "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide for the establishment of States, and their admission to a share in the Federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest."

The compact between the several States making the cession, and this ordinance, were declared "unalterable," without the consent of both parties; and all the States formed of that territory have been admitted into the Union "on an equal footing with the original States," with this express understanding, that involuntary servitude was unalterably prohibited.

This inherent right, derived from immutable principles, and enjoyed by every legitimate government, Congress supposed they possessed, and on this ground passed the ordinance of 1787, respecting their territories.

In support of this judicious, and only efficient practice, I call in the aid of the Constitution, article 4, section 3: "Congress shall have power to

* Mr. Jay's letter to Mr. Boudinot, November, 1819.

* Letter of the Convention that framed the Constitution.

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dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States."

What is this tract of country? Is it a State or a Territory? If a State, then she may legislate for herself; if a Territory, then Congress have power to regulate. It is not a State till admitted into the Union by an act of Congress. This is clear, because should Congress pass a law to admit Missouri into the Union on conditions, and those be rejected, she remains still a Territory. Then every legislative act, previous to that of admission, is a "regulation respecting a Territory." And, under this provision of the Constitution, in connexion with the immutable principles of rational government, conditions have uniformly been incorporated in the acts admitting new States into the Union, as well as those which related to territorial government.

If Congress have a Constitutional right to "make all needful rules and regulations respecting the territories," then it follows, *ex vi termini*, that they have equal right to exercise their discretion in deciding what "rules and regulations are needful." The power to make rules, and not a right to exercise discretion in adjusting them, would be a complete nullity. Previous to the year 1808, Congress did suppose, without the aid of this clause in the Constitution, they possessed sovereign power and control over their territories. Under this very just impression a law was passed, in April, 1798, prohibiting the importation of slaves into the Mississippi Territory—Vol. 1, page 40, sec. 7:

"And be it further enacted, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi Territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or aid in bringing, any slave; and being convicted, &c., shall forfeit and pay three hundred dollars, &c. and the slave be entitled to freedom."

This distinctly shows, that Congress supposed their power over the Territories more extensive than that over the States; because over them they could not pass a prohibitory statute till 1808. The same fact appears from the act of Congress of March, 1804, "erecting Louisiana into two Territories." Sec. 10—"It shall not be lawful for any person or persons to import or bring into the said Territory, from any port or place without the limits of the United States, &c., any slave or slaves; and every person so offending, &c., shall forfeit three hundred dollars, and the slave shall receive his or her freedom." "It shall not be lawful for any person or persons to import or bring into the said Territory, from any port or place within the limits of the United States, any slave or slaves which shall have been imported since the first day of May, 1798, or which may hereafter be imported, such person shall forfeit, &c. three hundred dollars; and no slave or slaves shall, directly or indirectly, be introduced into said Territory, except by a citizen of the United States, removing into said Territory for actual settlement, and being at the time of

"such removal bona fide owner of such slave or slaves; and every slave brought into said Territory, contrary to the provisions of this act, shall receive his or her freedom."

From these facts it very obviously appears that Congress had, and did exercise, the power of inhibiting the importation, and even the migration, of slaves, into its territories, directly or indirectly, otherwise than by a citizen of the United States, removing thither for actual settlement, and being at the time bona fide owner of the slave. And this previous to the time that the ninth section in the first article of the Constitution took effect; of course the power must be derived from some other clause in the Constitution—perhaps that which authorizes Congress to regulate commerce, or from the immutable principle that all legitimate Governments have an inherent right to exercise sovereign control over its territories.

Mr. President, I ask, then, if that provision in the Constitution diminishes this power?

Congress have prohibited the importation of slaves into any State of the Union. Does not the same clause in the Constitution give them power to prohibit the "migration and importation" of slaves into the Territory or State of Missouri?

That Congress would have power to prohibit slavery in its acquired territory, it seems, was the opinion of North Carolina and Georgia, by the compact ceding the territory of which Tennessee, Mississippi, and Alabama are composed; because they expressly stipulate that the territory shall be governed, and the States admitted in the Union, according to the ordinance of 1787, "that article only excepted which forbids slavery;" and in the cession by North Carolina, provided no regulation made or to be made by Congress shall tend to emancipate slaves.

For these provisos there are reasons; this territory was detached from States where slavery was tolerated at the time of the adoption of the Constitution; and they, as sovereigns of the soil, had a right, in the cession, to make this reservation. And it has been scrupulously observed. No objection has ever been made. Tennessee, Mississippi, and Alabama, have all been admitted on terms of agreement. We mean to keep the compact.

But, with respect to Missouri, we view the matter materially different. This is a part of the Louisiana purchase. Bought with the common fund, of course the common interest must be consulted. Missouri has no claim to this superior political power. She may be admitted with all the rights, advantages, and immunities, of citizens of the United States, which are derived from the Constitution of the United States; and these are all to which Missouri has any claim, and all which Congress have any power to impart.

Mr. President, Congress have a sovereign power over its territories. If States have a right to abolish slavery, when they make a cession of territory, they make a transfer of this power. If there had been no reservation in the cessions made by North Carolina and Georgia, Congress would have had power to prohibit slavery in that territory, because they had that power; hence, where there is no

reservation, there is no restriction of power. If the possessors of a territory are the sovereigns of the domain, then, when they make a cession of territory, they transfer all the power they possessed.

If France had a right to abolish slavery in Louisiana, then, when she ceded that territory, she transferred that power to the United States, unless restrained by stipulation, which, I contend, is not the case. Has the Government this power, then she may make a law to inhibit slavery in this territory, because "Congress have a right to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States, or in any department or office thereof."

Mr. President, "new States may be admitted by the Congress into this Union." Congress may admit or refuse. If Congress may refuse, then they may admit upon condition. If they may admit upon condition, then they may exercise their discretion in deciding what those conditions shall be.

Now, sir, it will be my object to show that Congress have uniformly gone upon this principle. In every instance where new States have been admitted, Congress have prescribed conditions at their discretion, except in the admission of Vermont. The act admitting this State was approved February 18, 1791. The situation of this district was different from any other. After having been absolved from any political connexion with her neighbors, she formed a republican constitution, petitioned Congress for the purpose, and was "admitted into this Union as a new and entire member of the United States of America." The act for the admission of Kentucky was approved the same month, 1791. This district, being part of the territory of Virginia, previous to her being admitted into the Union the consent of this Commonwealth must be given. Accordingly, in December, 1789, the General Assembly of Virginia passed "an act concerning the erection of the district of Kentucky into an independent State." After making provision for a convention, they say, if such delegates determine that it is inexpedient, "the same may be erected into an independent State, on the terms and conditions following." Here are enumerated eight conditions, with which this district must comply, otherwise they are not permitted to form an "independent State." They acceded to these conditions, formed a constitution, and petitioned Congress for admission into the Union; and, on these conditions, were "received and admitted as a new and entire member of the United States of America." Tennessee was admitted June 1, 1796, according to the cession made by North Carolina, in December, 1789, in which are ten specific conditions. After the cession, the ordinance of 1787 was to have effect over this territory, except "Congress shall make no regulation to emancipate slaves." With all these conditions, sixteen in number, Tennessee was admitted "in the same manner as if that State had originally been one of the United States."

On the 30th day of April, 1802, the act was approved for the admission of the State of Ohio "into the Union, upon the same footing with the

original States in all respects whatever: *Provided*, the people form a republican constitution, not repugnant to the ordinance of 1787, between the original States and the people and States of the territory Northwest of the river Ohio." Besides these, Congress required, as "a condition, that the convention of said State shall provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress shall remain exempt from any tax whatever, for the term of five years."

The act for the admission of Louisiana was approved April, 1812. Among other things, it was declared—

"That it shall be taken as a condition, upon which the said State is incorporated into the Union, that the river Mississippi, and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State, as to the inhabitants of other States and the territories of the United States, without any tax, duty, impost, or toll, imposed by said State; that it adopts the Constitution of the United States; and the constitution of said State shall be republican, and consistent with the Constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizens the trial by jury in all criminal cases; the privilege of the writ of habeas corpus; and, after the admission of said State into the Union, the laws which may be promulgated, and its records of every description shall be preserved, and its judicial and legislative proceedings conducted in the English language; that the said convention shall provide by an ordinance, irrevocable without the consent of the United States, that the people forever disclaim all right or title to the unappropriated lands; the same shall remain at the sole disposal of the United States; that each tract of land sold by Congress shall remain exempt from any tax for the term of five years; shall be considered, deemed, and taken, fundamental conditions and terms upon which the said State is incorporated into the Union."

The act for the admission of Indiana was approved April, 1816. It provides "that the constitution shall be republican, and not repugnant to those articles of the ordinance of 1787, which are declared to be irrevocable between the original States and the people and States of the territory northwest of the river Ohio;" that the convention shall ratify the boundaries prescribed in said act, disclaim all title to salt springs; and as much contiguous territory as the President may think necessary to work the same, to one section of land in each township, &c. These propositions are offered for their free acceptance or rejection, on the condition that the convention of said State provide by an ordinance irrevocable, without the consent of the United States, that their lands shall remain exempt from any tax, for the term of five years.

The act admitting Mississippi, was approved March, 1817. The conditions are as follows: "The constitution, when formed, shall be republican, and not repugnant to the principles of the ordinance of 1787, so far as the same has been extended to the said territory, by the articles of

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'agreement between the United States and the State of Georgia on the Constitution of the United States; and also, that the convention, by an ordinance irrevocable, disclaim all right to the unappropriated lands; that the same shall be at the entire disposal of the United States, and remain exempt from tax five years after being sold; and that the river Mississippi, and the navigable waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State, as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State."

The act admitting Illinois as a member of the Union was approved April, 1818; and about the same conditions required that were prescribed on the admission of Indiana.

Alabama was admitted by an act passed March, 1819, on the same conditions as those required on the admission of the State of Mississippi.

Thus we find, from our statute book, that there is not a single instance, from the time Vermont became a member of this Union, in which a State has been admitted, without some specific conditions and restrictions. And with respect to Louisiana, more especially, "they contained some principles as repugnant to the original jurisprudence of the Territory, at the time of its cession, as could well be devised." And if Congress did possess and exercise the power of imposing such conditions, what good reason can be assigned why it may not require of Missouri the condition proposed by the amendment now under discussion?

Mr. President, I will now proceed to examine the treaty by which France ceded this territory to the United States. The article which is said to restrict the power of Congress, and prohibit the adoption of the proposed amendment, is as follows: Art. 3. "The inhabitants of the ceded Territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The latter part of this article, undoubtedly applies to its territorial state; during that period the citizens shall be protected in the enjoyment of all their privileges. This has been done, and secured to them; of course, any comment on this clause is unnecessary. But the objection grows out of these words: "The inhabitants of this Territory shall be admitted, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of the citizens of the United States." What are the principles of the Federal Constitution? They are Federal principles, which extend to all the citizens of the United States, with the same influence, and in the same degree. But these citizens are to be "admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States;" and it is said, if you

prescribe any condition in the admission of Missouri, you interfere with her rights. What are the rights of the citizens of the United States? All the rights they possess, as such, are derived from the Constitution; and these are Federal rights, enjoyed by every citizen, in every State in the Union. Federal rights, all which are derived from the Constitution, extend to States as well as to citizens, and to all the States equally. Every State that exercises a power that any other State cannot, derives a power from a cause other than the Constitution of the United States. Any citizen who enjoys a right which another citizen in the United States does not enjoy, acquires that right from some other source than the Constitution of the United States. The following are Federal rights, namely: each State is entitled to two Senators—the Legislatures shall choose them—they shall be privileged from arrest—each State shall appoint Electors—the Electors in each State shall meet on the same day and vote for two persons;—the cognizance of controversies between two or more States—between a State and citizens of another State—between citizens of different States—between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States. These are all secured to Missouri; and all other rights derived from the Constitution of the United States.

But if this proviso is attached to the bill, the citizens of Missouri cannot hold slaves—and will not be admitted to the enjoyment of all the rights of citizens of the United States. A right to hold slaves is not a right of a citizen of the United States, as such; it is not essential to constitute such citizenship. The enjoyment of this right is not essential to the enjoyment of the rights of a citizen of the United States.

It is acquired by the government of a particular State. A citizen of the United States has consequential or local rights, which arise from local situation, and result from the constitution of the State where he resides.

The Constitution of the United States does no more than secure the exercise of these rights, from violation, when acquired by the constitution of a particular State.

State rights are materially different. In New Hampshire, a citizen of twenty-one years of age has a right to vote for all State and county officers, and Representatives to Congress, in the place where he has his home. In Massachusetts he may possess a property of two hundred dollars. In Virginia, he must possess real estate. In Louisiana, he may hold slaves. The Constitution of the United States protects these State rights from invasion; but it does not convey them. If they were derived from the Constitution of the United States, a citizen of the United States could exercise and enjoy them in any State in the Union; because, "this Constitution is the supreme law of the land, and all judges and citizens are bound by it, any thing in the Constitution or laws of any State, to the contrary notwithstanding."

If a right to hold slaves is a right derived from

the Constitution of the United States, then a citizen of the United States may exercise this right also, in any State of the Union; "any thing in the constitution or laws of any State, to the contrary notwithstanding." This, we know, is not the fact; of course we know this is not a right derived from the Constitution of the United States, and the prohibition of this right is no infringement of any right essential to consummate citizenship. "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States." If a right to hold slaves is essential to constitute a citizen of the United States, then, those who cannot hold slaves are not citizens of the United States; is this the fact? then a number of honorable gentlemen in this House are ineligible to the office, they must vacate their seats, bid you adieu, and retire, which would leave your walls rather bare.

But, sir, an honorable gentleman observes, (from South Carolina,) that this prohibition cannot be adopted, because, "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." I admit the fact. But what is it? That a citizen, in any State, shall enjoy, collectively, all the privileges and immunities of the citizens in the several States? This cannot be the case. If it were, a citizen of New Hampshire might pass into Massachusetts, and there exercise the right he enjoyed in New Hampshire, in voting; and into Louisiana, and there exercise the right of holding slaves. A citizen of Virginia might pass into New Hampshire, carry all the privileges he possessed, as a citizen of Virginia, accumulate more, and, by removing from State to State, would collect and enjoy the rights of all the citizens in all the States.

Sir, I apprehend the true import of the paragraph is this: that a citizen of any State, removing into another State, "shall be entitled to all the privileges and immunities," of the citizens of the State into which he removes; but he can neither carry nor enjoy any privileges not secured to the citizens of the State in which he resides, by the constitution and laws thereof.

Mr. President, we are told the proposed prohibition interferes with property in a manner which renders it inadmissible. The inhibition divests of no present right; it merely prohibits the future introduction of slaves. But admit that it did. We will examine this in view of analogy and fact. Suppose there is an immense quantity of India carpeting imported into Philadelphia. Importers find it a very profitable commerce. Merchants derive great advantage from the trade. They all depend upon it. Families are accommodated, and the citizens generally are much pleased. But the plague appears in the city; it is suspected that it is communicated by this foreign traffic; it becomes apparent; no doubts remain. What is to be done? a quarantine is ordered for fifty or an hundred days; and if the public safety require, why not for three hundred? But this does not effect the object. The virus is latent; it is in the stock; the whole community suffers. The city is threatened with desolation. Let me ask, sir, have not the

constituted authorities a right and power to suppress this destructive traffic? Cannot they say, scuttle the ship, suspend or interdict the commerce? Undoubtedly all this can be lawfully done. But this interferes with private property, individual rights. The importer is despoiled of his expected gain. The merchant is disappointed in his prospects, and the citizens in their possessions. Is all this availing? Do you desist? You do not; you should not. This right is settled upon an immutable principle, essential to our safety and existence; that a less degree of evil shall be endured to avoid a greater. You chain up your streets, and interdict intercourse with your city, in case of infectious disorder; individuals in the country suffer. The principle is the same. You lay an embargo for fifty, a hundred, or two hundred days, at your discretion. Ships decay and rot at the wharves, and produce perishes on your hands. Individuals suffer. But do you desist? The public good requires the measure. The principle is the same. In case of war, some must suffer, or extermination follows. In case of fire, you demolish one building to save a city. A person has a limb amputated, it is an evil; but it is preferable to the loss of life.

Slavery is a plague—it inoculates like contagious disorders. Will you diffuse without limits this destructive evil?

Now, sir, in point of fact. We have shown that Congress has power to make all needful regulations for the government of its territories. This power is a nullity, without discretion to exercise it, because no particular regulations are specified.

The least restraint decides the principle. It is not the degree. If the public interest require you to affect my property to the amount of one dollar, the exigency of the case may be such as to justify you in extending your deprivation further. This is a matter of discretion and necessity.

In the admission of Louisiana, there were many conditions. One was, that the convention pass an irrevocable ordinance disclaiming forever all right to waste lands.

They had a right, or this relinquishment would be unnecessary. And a right in property, of which they were divested.

They must also stipulate to make the Mississippi and the Gulf of Mexico, &c., common highways, and never claim any toll. Here were rights held under the former government, or such as they could claim as a State, or there was no need of disclaiming by an irrevocable ordinance.

Thus we see, from analogy and fact, that the prohibition proposed is neither new nor inconsistent with immemorial usage, sound national policy, nor State sovereignty.

Mr. President, perhaps I shall have no better opportunity than the present to make a few remarks in reply to what I understood the honorable gentleman from Maryland (Mr. LLOYD) to say; which was, that the power of Congress over Maine was as extensive as its power over Missouri; if Congress had a right to prohibit slavery as a condition of the admission of Missouri, it had a right to make the toleration of slavery a condi-

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tion of the admission of Maine. To this I cannot accede. I think it does not follow; the cases are not analogous. Maine is a part of Massachusetts—one of the old thirteen. Massachusetts has a constitution. This, if not positively, virtually prohibits slavery. In this case Massachusetts has a right to speak; she does speak in her constitution; the Constitution of the United States gives Congress no power to compel or demand the admission of slavery. So with Kentucky, Tennessee, Mississippi, and Alabama; they are parts of the old thirteen. Congress have no right to prohibit slavery in them without the assent of Virginia, North Carolina, and Georgia. By their constitution slavery is tolerated. And they have a right to speak. For Congress to demand the prohibition of slavery in any of those States would be a violation of the compact.

But it is not so with Missouri; as I before had occasion to remark, this is a part of the Louisiana purchase. The common interest of the Union is to be consulted. The power of Congress over this territory is sovereign and complete. We are not legislating for Missouri alone, but for the highest interests of the nation. Every State in the Union has an equal voice, a right to give an opinion, and a claim to be heard.

Mr. President, permit me to observe, I view involuntary servitude contrary to the very principles of our Government. These are declared in the charter of Independence:

“We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.”

Sir, for these we fought and bled. We know how we achieved them, and we wish to transmit them to unborn posterity in their primitive purity. These are the sentiments we profess to believe, and publicly declare, “that all men are born equally free.” We boast of our liberties; we call ourselves a nation of freemen; we delight to hear our children lisp the freedom, the liberty, equality, and republicanism of our country; we teach them, in their infancy, that these sentiments may grow with their growth, and ripen with their years. We chant them in our songs; we prefix them in our books; we inscribe them in our temples; we present them in our halls; shall we abandon and deny them in our acts of legislation?

Behold, sir, (I ask your pardon, she is in the other hall,*) the goddess of liberty looking down with a frown upon the Representatives of a nation of freemen legislating to extend and perpetuate slavery.

The question is not whether slavery shall exist; it does and will exist; but whether it shall be extended, by the act of Congress, without control, and without limits. Forbid it ye guardians of the people's rights! Forbid it my country!

Mr. President, perhaps I shall have no better opportunity than the present to make a few re-

marks in reply to what fell from the honorable gentleman from Georgia, (Mr. ELLIOT,) who intimated that an objection might grow out of the fact, that “the United States shall guaranty to every State in this Union a republican form of government.”

Sir, I should sooner argue from this that we are bound to prohibit, than I would admit that we are permitted to refrain. What is a republican government? A democratic government is the government of the people. And these people are all equally free. Slavery is incompatible with a pure democracy. In the same proportion that you admit slavery, you contaminate the Republic. It degenerates to a demi-democracy, to aristocracy, monarchy, and, perhaps, despotism itself. Sir, I should not use so harsh an expression did I not find it adopted by the immortal Jefferson, Virginia's boast, and his country's pride.*

“There must be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his own philanthropy or self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But, generally, it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to his worst of passions; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.”

Mr. President, if I have demonstrated that the Legislature of the nation have a right from usage, and a Constitutional right, to prohibit involuntary servitude, and that it is contrary to the very genius of our Government, the question turns entirely on the expediency and policy of the measure. That is an expedient and politic course, which tends to cement the Union, strengthen the ties, promote the harmony, and thereby the highest interests of the nation.

Permit me to repeat it, alienation and distrust threaten the future prosperity of the country. Cemented, we are safe; dismembered, we are ruined. It is for Congress to decide what measures are dictated by sound policy, to promote the lasting peace and permanent stability of these United States. All “needful rules and regulations” relating to the subject, they have a Constitutional right to adopt and pursue. Sir, my most deliberate opinion is, that it is needful, expedient, and politic to prohibit the further extension of involuntary servitude, because it diminishes the physical strength of the nation. Slaves are not employed as soldiers, but

* A female image, representing the goddess of liberty, raised directly over the Speaker's chair, in the Representatives' hall.

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supply the place of those who might be thus employed. This is not all: if one is pressed into the service of the country, in case of emergency, and sustains an injury, or contracts a complaint, by which his life is lost, we are petitioned to remunerate the owner.*

As the physical strength of a nation is reduced or retarded, danger increases. Sir, have you forgotten the disasters of the last war? What was the condition of this city? What was the state of this Capitol, this noble edifice? Its walls were defaced, its pillars demolished, and its glory tarnished. And, sir, to add insult to villany, Cockburn was riding the streets like a nabob, and his army pillaging the shops in the city. Sir, permit me to say, (if it would not be deemed a vulgar remark,) if they had been in some part of New England, there would have been soldiers enough to have cut them in pieces, and carried them home in their pockets.

That the physical strength of a nation is retarded by slavery, is evident, by comparing the militia in such States with those where involuntary servitude is not admitted. In the eleven non-slaveholding States the militia is 431,616; in all the other States, including districts and territories, it is 316,970, leaving a balance in favor of the former, of 114,646.

But the fact may appear more conclusive by comparing territory of equal extent—say New England and Virginia, whose extent of territory is very nearly equal. The militia in New England is 140,900, in Virginia 83,847, leaving a balance in favor of New England of 57,053.†

If a wise policy excludes slavery in principle and practice, then it is a judicious exercise of power to arrest its progress. A wise Legislature has done it; it must do it again. Are principles changed, or are men changed? I hope neither.

Mr. President, slavery tends ultimately to depress the value of real property. This results from imperfect cultivation, which is the effect of slavery. It is a disgrace for a white man to put his hand to the plough and the axe, where slavery is tolerated. "With the morals of the people their industry also is destroyed; for, in a warm climate, no man will labor for himself who can make another labor for him. This is so true that of the proprietors of slaves a very small proportion, indeed, are ever seen to labor."‡

Compare the state of cultivation in the vicinity of Portsmouth, New Hampshire, with that of this city; the vicinity of Boston with that of Baltimore. The difference is almost incredible. The land is equally rich and fertile; the climate is inviting

and healthy; and the air is salubrious. There every field is covered with verdure and produce; but here it seems as though you had fallen from some other world upon the barrens of the desert. Compare the lands in Ohio with those of Kentucky, where the soil is equally rich, the climate more mild, and the air as healthy. I am told by honorable gentlemen from that section of the country, that real estate in Ohio is generally more than twenty-five per cent. higher there than in Kentucky. To what can you impute this but the bane of slavery? It is not on account of age, for Kentucky was first settled. But perhaps the position would appear more credible by comparing a distinct portion of territory, of equal dimensions, as the valuation of lands was taken in 1798. We will again compare New England with Virginia. In New England the valuation was \$183,171,180; in Virginia \$71,225,127, leaving a difference of 111,946,053.* Thus we see, when the soil is not cultivated, the nation suffers. Here is a national loss; because productive labor is national wealth. "The strength and wealth of nations are founded on the number and industry of the people."*

But further, Mr. President, involuntary servitude discourages and impedes a white population. This is apparent from your census.* Take nine of the non-slaveholding States, of which only returns were made, in 1810, the number of inhabitants is 3,690,354; in all the other States, including Delaware and the Territories, the number of free inhabitants is 2,463,304, leaving a balance in favor of the former, of 1,227,050. But, to bring the subject into a more concise view, we will again compare New England with Virginia. I hope the honorable gentlemen from Virginia will not consider these comparisons as invidious, when I contrast Virginia with all New England. This I do, not only because the extent of territory is about equal, but because they were settled at nearly the same period—about 1620. In New England I find 1,471,973; in Virginia 974,622; which leaves a balance in favor of New England, of 497,351, including the slaves in Virginia, which deduct, and the balance is 889,869 free citizens in favor of New England.†

Sir, to demonstrate the fact more clearly, that slavery impedes the progress of a white population, I will observe, that in New England the increase in twenty years, is as 17 to 18. Include New York, New Jersey, Pennsylvania, and Delaware, and it is as 99 to 100. In the slaveholding States the increase of the free population, in the same period, is only as 12 to 21. Had the latter States increased in the same ratio as the former, during the same time, there would have been an addition to the white population of 800,000; and according to the same ratio, at this time, 1,200,000 more than there now are.

"The free white persons, from 1790 to 1800, increased almost 36 1-3 per cent.; from 1800 to

* Last session, a gentleman in Kentucky, who had a slave pressed into the service, at New Orleans, that took a fever and died, petitioned Congress, and a bill passed the Senate giving him \$700; and this session a petition was presented, claiming the sum of \$300 for injury sustained by a slave, in aiding a wagon of the Government, by which his worth was reduced from \$900 to \$600.

† The return of the militia, made by authority of Congress.

‡ Jefferson's Notes on Virginia.

* Seybert's Statistical Annals.

† Notwithstanding this balance in favor of New England, "it is supposed that more than 60,000 persons go annually from the Eastern to the Western States."—Seybert.

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1810, 36 per cent.; and from 1790 to 1810, 85 1-4 per cent.⁷ All other free persons, except Indians not taxed, from 1790 to 1810, the increase was still greater, in consequence of emancipation and runaway slaves, who pass for freemen.

The free population from 1790 to 1800, increased 37 1-5 per cent.; from 1800 to 1810, 36 3-4 per cent.; and from 1790 to 1810, 87 3-5 per cent. The slave population, from 1790 to 1800, increased 24 4-5 per cent.; from 1800 to 1810, 35 4-5 per cent.; and from 1790 to 1810, 70 3-4 per cent. The combined free and slave population from 1790 to 1800, increased 85 3-5 per cent.; from 1800 to 1810, 36 per cent.; and from 1790 to 1810, 84 3-5 per cent.⁸ Thus, to take the whole free white inhabitants, together, the increase is rather in favor of the white population. In 1790, considerably more than one-fifth of the whole population, were slaves; in 1800, a little more than one-fifth, and in 1810, a little less than one-fifth were slaves.

Mr. President, slavery retards and depresses the manufacturing interest. They are a description of persons who cannot be advantageously employed in that branch of business. This may be discovered by the same kind of comparison that has been previously made. In New England, the value of the manufactures, according to the marshal's returns for 1810, is \$36,074,171; in Virginia, \$11,447,605; leaving a balance in favor of the former of \$24,546,566. This sensibly affects foreign and domestic exports. Of the former, the balance is in favor of New England \$8,777,045; of the latter, \$3,564,617.*

Sir, involuntary servitude is the occasion of introducing into the popular branch of the Government an unequal representation. An equal representation is apportioned according to the number of free inhabitants. Strictly speaking, it has no regard to property. In regard to the original States it is by agreement, it rests on compact and plighted faith, which we wish neither to disturb nor violate; but when the principle is applied to a new State, we view the subject entirely different. When the Constitution was adopted, the large States were unwilling that the small ones should have an equal representation with them in the Senate. In consequence of this, a sacrifice on both sides produced a compromise; and this was essentially necessary at that time to obtain a Constitution. This effected a kind of equilibrium, but results in giving to the other House, at this time, twenty Representatives from the slave population. Extend this principle into the immense territory beyond the Mississippi, and I need not state to you the result in twenty years. The Eastern section of the country would be cypherized in both branches of the Government.

Sir, is this equilibrium and reciprocity now to be destroyed? Are our pleasing anticipations of union and harmony to cease forever? Why should Missouri come into the Union with this superior political power? What claim has she to these superabundant political rights? We have made no promise; we have entered into no compact; we

have given no pledge. It cannot be for want of space, where slaves may be lawfully holden. Fill up Kentucky, Tennessee, Mississippi, and Alabama; then it will be time enough to extend the bounds of slavery. But, say gentlemen, this restriction deprives Missouri of an attribute of sovereignty, and she would come into the Union, crippled and imperfect. The objection applies with equal force to all the non-slaveholding States, especially Ohio, Indiana, and Illinois. There slavery was prohibited by Congress. Do the Representatives from those States, on the floor of this House, appear like children, divested of any attribute of sovereignty enjoyed by any other State in the Union? These honorable gentlemen I believe, sir, will not admit it. I think they feel, possess, and exercise all the importance and powers to which the honorable members of Virginia or any other State are entitled.

Then, sir, let us recur to first principles—the original compact. Sir, I call upon Vermont and Kentucky to look back and reflect upon the terms on which they were received into the copartnership. Their territories were preserved by the united energies of the Confederacy. Will they forsake their first love? Sir, let Ohio, Indiana, and Illinois remember that for years they were led by the hand of this little family of united sisters. Our treasure and our blood have been expended to rescue their soil from the depredations of the savage foe, and their families from the scalping-knife. "The State of Ohio, in which, before it became a State, our army so lately contended with its savage inhabitants in 1810, had a population of 230,760 souls, not one of whom was a slave. There the footsteps of the savage have been obliterated by the busy scenes of civilized society; the noise of the beasts of prey has yielded to that of the loom and the shuttle; savage wigwags have disappeared; elegant houses, villages, and large towns, have succeeded;"* and all this prosperity may be viewed as the result of the memorable ordinance of 1787. Are such people the advocates of slavery?

Sir, may I not invite Tennessee, Mississippi, and our newly espoused sister, Alabama, to recollect that when the battles of the country were fought, they were only in embryo; that they have grown up under the nurturing care of their elder sisters; that it becomes them, as younger heirs, to look well to the principles adopted by the first-born in the family, and maintain the rights of the association into which they have been cordially admitted. Sir, where is Louisiana? Shall we forget her patriotism and her bravery? No; nor the dark days when she was under the oppressive yoke of a foreign despot; nor the bright morn on which she was, by the interposing hand of this Republic, emancipated from the thralldom of tyranny, and brought into the liberty, and joy, and comfort of the Republican citizens of these United States. Let their liberality, their justice, and magnanimity, all be displayed on this occasion.

Mr. President, will not the measures of this

* Seybert.

* Seybert.

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Congress be pregnant with events which will lay a foundation for the joy or sorrow, praise or condemnation, of future ages? The effects are not confined to a small territory, or a few people; but millions yet unborn will curse the acts of that Congress which entails upon them and their unnumbered posterity the accumulated evils of slavery.

"With what execrations should the statesman be loaded, who, permitting one-half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies; destroys the morals of the one part, and the *amor patriæ* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature; contribute, as far as depends on his individual endeavors, to the vanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him."*

Sir, it has been intimated by the honorable gentleman from Georgia, (Mr. ELLIOT,) that, if the proposed restriction should be incorporated in the bill, it would be nugatory; for the State at any after period could amend their constitution and tolerate slavery. This I cannot admit. It is an agreement. There are two parties. They stipulate, they enter into compact. To this mutual agreement they mutually bind themselves, and a violation of it in either would be a breach of faith. The relation which Congress bears to her territory is similar to that subsisting between a State Legislature and any portion of its territory, which may propose to be disannexed. They stipulate and enter into compact, and they are both bound. This was the case with Virginia and Kentucky when she was erected into an independent State. The same is true with respect to Massachusetts, Connecticut, New York, and Virginia, in the cession of the Northwest Territory to the United States, and the ordinance of Congress of 1787, made with these States and the people of that Territory. The cession made to the United States by North Carolina and Georgia, of the territory of which Tennessee, Mississippi, and Alabama are composed, stand upon the same immutable basis. All these stipulations were voluntary and obligatory on the parties. No disposition to violate them has appeared in any instance whatever.

If a State can annul such agreements, it may any compact and every stipulation whatever. The principle, if admitted, would destroy all confidence in treaties, conventions, and every compact to which nations or smaller associations might agree for their mutual convenience and safety.

Mr. President, allow me to add one reason more in favor of adopting the proposed amendment, and I will close my remarks for the present. The extension of slavery will tend to the violation of your laws, and to demoralize society. The people of this country are fond of property. It is impossible to restrain them within legal bounds, when you present to them a pecuniary advantage, even from illicit commerce. You thus indirectly cor-

rupt the rising generation and demoralize the community. Extend slavery into the vast Territory of Missouri, you heighten the value and offer a new market for slaves; you encourage their importation, you invite to a violation of your laws, and lay a foundation for a systematic course of perjury, corruption, and guilt. All the public ships in the service of your country are now insufficient to suppress this species of traffic. What could prevent it, if the market were increased? Sir, close your market, remove the inducement to their introduction, and the nefarious commerce ceases of course. Look to your laws of 1794, 1798, 1800, 1804, 1805, 1807, 1818, and 1819, and say do they not imply one uniform and uninterrupted determination to abolish the slave trade? This single act would stamp hypocrisy on the face of every previous law.

Sir, permit me to present my thanks to the honorable Senate for the candor and attention with which they have indulged me during the time I have been addressing them on this very important subject. I will close my remarks with a few lines from the late President Jefferson:

"With the morals of the people, their industry also is destroyed. Can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction on the minds of the people that their liberties are the gift of God; that they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep for ever; that, considering numbers, nature and natural means only, a revolution on the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue the subject through the various considerations of policy, of morals, of history, natural and civil. We must be contented to hope they will force their way into every one's mind."*

Mr. President, without any sinister motives, hope of personal advantage, or any thing aside from the expanding glory of the beloved country which gave me birth—as a citizen of a growing Republic, whose rising prosperity is nearly allied to my heart; as a philanthropist and a Christian; as one called upon by my constituents, my country, and my God, I present you these my deliberate views of this momentous subject, with a solicitude for the result which could not be inspired on any ordinary occasion.

TUESDAY, January 18.

Mr. GAILLARD presented the petition of Marc Marie Duplat, senr., praying that a patent may be granted to him for an invention and improvement in the construction of privies; and the petition was read, and referred to the Committee on the Judiciary.

Mr. ROBERTS presented the memorial of the society of paper-makers of the States of Pennsylvania

* Jefferson's Notes.

* Jefferson's Notes on Virginia.

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and Delaware, and also the petition of the President and managers of the Northampton State Quarry Company, of Pennsylvania, severally praying the protection of Congress; and the petitions were read, and respectively referred to the Committee on Commerce and Manufactures.

Mr. ROBERTS also presented the memorial of Thomas Leiper, of Pennsylvania, praying payment for certain loan-office certificates, as stated in the memorial; which was read, and referred to the Committee of Claims.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States;" and also the bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of United States' infantry," reported the same respectively without amendment.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of James Wood; and, on motion by Mr. ROBERTS, the consideration thereof was postponed until the second Monday in February next.

The Senate resumed the consideration of the report of the Committee on Public Lands, to whom was referred a memorial from the Legislature of the State of Indiana, praying for the establishment of an additional land office in that State, and, in concurrence therewith, resolved that the prayer of the memorial ought not to be granted.

The bill for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of James Hughes," and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

Mr. DANA presented the memorial of the inhabitants of the city of Hartford, and its vicinity, in the State of Connecticut, against the further extension of slavery in the United States; and the memorial was read.

Mr. LANMAN presented the petition of Benjamin Mortimer, and also the petition of Michael Pepper, severally praying a pension; and the petitions were read, and respectively referred to the Committee on Pensions.

The PRESIDENT communicated a report of the Secretary of War, made in compliance with the fifth section of the act of the 3d March, 1809, entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," containing a statement of the expenditures of the moneys appropriated for the contingent expenses of the Military department for the year 1819; and the report was read.

RESTRICTION OF SLAVERY.

Agreeably to notice given, Mr. THOMAS asked and obtained leave to bring in the following bill, which was read and passed to the second reading:

A Bill to prohibit the introduction of slavery into the territories of the United States north and west of the contemplated State of Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sixth article of the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States north-west of the river Ohio, shall, to all intents and purposes, be deemed and held applicable to, and shall have full force and effect in and over all the territory belonging to the United States, which lies west and north of a line beginning at a point on the parallel of north latitude thirty degrees and thirty minutes, where the said parallel crosses the western boundary line of the United States; thence, running east, along that parallel of latitude, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence, east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence, down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence, up and following the course of the Mississippi river, in the middle of the main channel thereof, to its source; and thence, due north, to the northern boundary of the United States.

MAINE AND MISSOURI.

The Senate then resumed the consideration of the bill for the admission of Maine into the Union, as proposed to be amended by the superaddition of provisions for the admission of Missouri. The proposition of Mr. ROBERTS for annexing a certain condition to the admission of Missouri being under consideration—

Mr. MORRIL concluded the speech which he yesterday began in favor of the restriction; and then, on motion of Mr. WALKER, of Georgia, (it being late before Mr. M. concluded,) the Senate adjourned.

[Mr. MORRIL'S speech is given entire in preceding pages.]

WEDNESDAY, January 19.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of Henry Ingraham, Robert Hazlehurst, and William Smith, jr., made a report, accompanied by a resolution that the petitioners have leave to withdraw their petition. The report and resolution were read.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Mark Richards; and the bill was read, and passed to the second reading.

Agreeably to notice given, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill

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supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Missouri Territory; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the petition of Rhoda Crawford, made a report, accompanied by a resolution that said committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition. The report and resolution were read.

Mr. Mellen presented the petition of Sarah Dunn, of the District of Maine, widow of Samuel Dunn, late a captain in the service of the United States in the Revolutionary war, praying remuneration for supplies furnished his company and for wages due him, as stated in the petition; which was read, and referred to the Committee of Claims.

On motion of Mr. VAN DYKE, the Committee on Pensions, to whom was referred the memorial of the Legislature of the State of Kentucky, in behalf of Christopher Miller, were discharged from the further consideration thereof.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of John Williamson, praying a pension, made a report, accompanied by a resolution that the petitioner have leave to withdraw his petition. The report and resolution were read.

The President communicated the petition of Cornelia Schoonmaker, administratrix, and Peter Marius Groen, administrator, of the estate of Zachariah Schoonmaker, praying relief in the settlement of the deceased's accounts as paymaster of the second regiment of United States' volunteer artillery; and the petition was read, and referred to the Committee of Claims.

The bill to prohibit the introduction of slavery into the Territories of the United States north and west of the contemplated State of Missouri was read the second time.

The bill entitled "An act for the relief of James Hughes was read a third time, and passed.

MAINE AND MISSOURI.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the admission of the State of Maine into the Union," together with the amendments reported thereto by the Committee on the Judiciary, and the amendment proposed by Mr. ROBERTS.

Mr. WALKER, of Georgia, said, the subject under consideration had been already so much discussed, that he had not the vanity to believe that he could offer any thing new to the consideration of the Senate. But representing, as he did, a State in which slavery is tolerated, it might possibly be construed a dereliction of duty, and an abandonment of the sacred interests of those he represented, were he to remain silent on the present occasion. Nothing, however, said he, but an imperious and irresistible sense of duty could have induced me to depart from the resolution I had at first taken, not to trespass upon the time of the Senate by any observations of mine upon the bill now in progression.

And really, sir, it is with a degree of unfeigned reluctance I have risen to oppose my opinions to those of gentlemen of so much more experience than myself, and for whose opinions I cannot but entertain the most profound respect.

We have already heard, sir, as well from the honorable gentleman from Pennsylvania, who first addressed you, as from the honorable gentleman from New Hampshire, who closed his remarks last evening, that the subject under consideration is an important one. In this sentiment I perfectly accord.

Perhaps, sir, no subject which has agitated the councils of the United States of America, from the formation of our Government down to the present period, has been pregnant with more important consequences than the one now under discussion. It is a subject, sir, which has excited not only the deep interest of those who are to decide upon it, but one which is agitating this continent from one extreme to the other. And whether we turn our eyes to the East or to the West, to the North or to the South, we behold anxiety depicted in every countenance, as if, upon the decision of this question, depended the peace and harmony of this Union.

Sir, the resolutions and instructions of different State Legislatures—the petitions of very many assemblages of citizens in various parts of the Union, with which your table is crowded—proclaim, in language not to be misunderstood, the deep-toned feeling to which the discussion of this question has given rise.

Mr. President, I have heard, with much regret, the sentiments which have been expressed in this debate. They evince a degree of sectional feeling which I had not expected to find within these walls. I had indulged the hope, sir, that, with the close of the late war, all party animosity had subsided, and that our political bark, having ridden out the tempest of faction, had been safely anchored in the haven of peace. But a state of tranquillity, I apprehend, is incompatible with the nature of man. Scarcely had the storm subsided—scarcely had we shaken hands as brothers—when a new source of discontent has been discovered; and another, and much more important distinction of party than any which has preceded it, is about to be established.

The feelings of humanity and benevolence have taken such complete possession of certain sections of our country, that every other consideration is made to bend to the irresistible inclination to ameliorate the condition of slaves. A spirit of opposition—a line of demarcation—is sought to be established between the slaveholding and non-slaveholding States. And "slavery or not," seems destined to be the watch-word of party.

I, for one, Mr. President, deprecate this state of things. I am not among those who believe that party dissensions are essential to the health of the body politic. I delight, sir, to inhale the breeze which brings with it harmony and peace; but when other sentiments prevail, it is not my nature to yield to their influence with calm indifference. Contest is preferable to submission. I feel it my duty, therefore, to meet this question at the thresh-

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old; I fear there is too much reason to consider it the inception of a policy whose tendency may be to dismember this Union. And the alarming doctrines we yesterday heard, have certainly not tended to allay my apprehensions.

It will not be expected, I trust, that I should follow the honorable gentlemen who advocate the amendment, over all the ground they have occupied in debate; for this I have neither inclination nor ability, and were they both in my possession, still, the effort might, perhaps, by some, be thought unnecessary.

With the historical sketches which have been given us, of the early settlements of this country, and of the dangers and difficulties which were encountered by our forefathers in this perilous enterprise, I have been amused and instructed—I had almost said, I have been charmed by their novelty; but I must be pardoned for saying, I cannot perceive their relevancy to the subject under discussion.

The honorable gentleman from New Hampshire, whose arguments I cannot hope to reach, much less to answer, has employed a considerable portion of a very long and a very able speech, in inventing anathemas against slavery, and has been pleased to draw a parallel between the inhabitants of the different sections of this country, (but with what degree of accuracy others must judge,) in which he has not failed to give a very decided preference to those who inhabit States in which slavery is not tolerated; and in the plenitude of his charity and benevolence, has ascribed this vast and essential difference to the influence of slavery. To the same influence is ascribed a destitution of talents, of courage, of morality, and of religion; and, from the observations of the honorable gentleman, one would be led to believe that all the cardinal virtues wither at the approach of this accursed monster slavery. In what a deplorable condition would be the inhabitants of the slaveholding States if the honorable gentleman's speculations were history! Fortunately, however, they have their existence only in a fervid imagination.

But, dreading lest he should not be able to carry conviction to our understandings, which he must of course have considered extremely blunt and impenetrable, the honorable gentleman endeavors to make an attack upon our fears, in which he considers us perhaps much more assailable; and with all the christian meekness and charity imaginable, we are cautioned to beware how we encourage slavery, for that the vengeance of an angry God will not sleep forever.

The honorable gentleman's zeal seems to have transported him beyond the bounds of just calculation. Our apprehensions are not so easily excited. For, whilst we bow with great humility and reverence before the majesty of Heaven, and, on our bended knees, would deprecate the wrath of God, we are not prepared to consider the honorable gentleman as one of his vicegerents.

Mr. President, it is far from my intention to re-criminate; I came not here to offend or be offended. If it will be a gratification to the honorable gentleman's feelings, I am willing to admit, that the

inhabitants of that section of the country from whence he comes, are all high-minded and honorable men; that they are intelligent, brave, virtuous, moral, religious, and patriotic. But I must take the liberty of reminding the honorable gentleman, that these are not sectional qualities; and that if he will give himself the trouble to consult the page of history, he will learn that those virtues are alike the growth of every part of this extensive, prosperous, and happy country; and I trust I shall not give offence by declaring it as my firm conviction, that the inhabitants of the slaveholding States will not suffer by a just comparison with those of any other section of the Union.

Without intending, sir, to make invidious comparisons, or in the slightest degree to disparage other parts of the country, I would ask, where will you find a greater degree of pure and unadulterated patriotism—where will you find a greater devotion to the true principles of liberty, than among the inhabitants of the slaveholding States? Who first fanned the sacred flame of freedom on this continent? A Virginian—a native of a slaveholding State. Who penned the immortal Declaration of Independence? A native of a slaveholding State. Who led your Revolutionary armies to battle and to victory? A native of a slaveholding State. Who first agitated the question, which eventuated in the formation of our inestimable Constitution? Inhabitants of the slaveholding States. Who was first called by the unanimous voice of his countrymen to preside over the destinies of the new Government? A native of a slaveholding State. Who now conducts our political bark with so much honor to himself and benefit to the nation? A native of a slaveholding State.

But the honorable gentleman from New Hampshire has farther told us, that the influence of slavery has a tendency to make men tyrannical and despotic. In this the experience of the country is against him. In no part of this widely extended Government have the pure principles of democracy been so much cherished, as among the inhabitants of the slaveholding States; and these yield to none in the practice of benevolence and humanity.

We are next told, that most of the catastrophes of the late war, and particularly the burning of the Capitol, may be ascribed to the same detested influence. I regret, sir, that our minds have been brought to dwell upon the subject. Over some of the events of the late war I would most cheerfully have drawn the curtain of oblivion. The fair page of our history has been blackened, and our country in some measure disgraced, by them. But the events which I should be most anxious to forget, sir, were not those which transpired in the slaveholding States. Some, which were calculated to make the cheek of patriotism burn with shame, had their existence in a northern latitude, far beyond the influence of slavery. I forbear, sir, to particularize, from an unwillingness to arouse feelings which are slumbering in forgetfulness of these melancholy disasters. But it must be recollected that the tide of war rolled in upon us one disaster after another, in dreadful succession. I would ask the honorable gentleman, who checked

the progress of this tide, turned its course, and threw it back upon the foe? Who achieved the ever memorable victory of Orleans, which has shed such a lustre around the American arms? Soldiers from the slaveholding States.

But I will not dwell upon this part of the subject, sir; there is nothing in it calculated to gratify my own feelings, or to interest those of the Senate.

I will proceed to an examination of the more important arguments of honorable gentlemen, founded upon the celebrated ordinance of 1787, the Constitution of the United States, and the treaty of cession. And I flatter myself, I shall be able to establish, as far as negative proof can possibly extend, that, from neither of these fruitful sources can be derived the authority to impose the contemplated restriction upon the good people of Missouri.

In the investigation of this subject, therefore, I propose to show—that the amendment offered by the honorable gentleman from Pennsylvania is unauthorized by the ordinance of '87; that it is unauthorized by the Constitution; and that it is expressly forbid by the terms of the treaty by which the territory in question has been acquired.

The elucidation of this subject must necessarily be somewhat dry and uninteresting; for, in the development of Constitutional principles, we are not permitted to wander in the wide fields of rhetoric, to gather flowers wherewith to decorate our path.

I will in the first place call the attention of the Senate to the ordinance of '87, which has been so emphatically styled, by the honorable gentleman from Pennsylvania, the immortal ordinance.

A brief history of the circumstances which led to, and were attendant upon, the passage and adoption of this ordinance, will, I trust, justify the opinion I have formed, that it is an instrument not entitled to the high commendation which has been bestowed upon it.

In the year 1780, Congress recommended to the States having claims to waste and unappropriated lands in the Western country, a liberal cession to the United States of a portion of their respective claims, for the common benefit; the territory to be thus ceded to be formed into distinct republican States, having the same rights of sovereignty, freedom, and independence, with other States.

In 1781 the State of New York limited and defined her western boundary, and ceded and relinquished to such States as then were, or should thereafter become parties to the articles of confederation, all her right and claim to lands and territories to the northward and westward of the boundary thus limited and defined.

In 1784 Virginia ceded to the United States her claim to the territory northwest of the river Ohio.

In 1785 Massachusetts ceded and relinquished all claim to the territory within her charter, west of a particular line mentioned in her deed of cession.

In 1786 Connecticut ceded her claim to the territory called the Western Reserve.

It must be remarked, Mr. President, that not one of these deeds of cession contained a proviso or

condition that slavery should be inhibited in the territory thus transferred to the United States.

The praise, therefore, which the honorable gentleman from Pennsylvania bestowed upon Virginia for her philanthropy in interdicting slavery in the territory northwest of the Ohio, was altogether undeserved.

In 1787 Congress passed the celebrated ordinance about which so much has been said. This ordinance is entitled "An ordinance for the government of the territory of the United States northwest of the river Ohio;" and, among other things, ordains and declares certain articles of compact between the original States and the people and States of the said territory, and forever to remain unalterable, except by common consent; the sixth of which articles of compact declares, "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes." In 1788 Virginia ratified the fifth of these articles of compact contained in the ordinance of 1787; but said nothing about any of the other articles.

In August, 1789, the form of government having been altered, and the articles of confederation having been exchanged for our present constitution, Congress passed a law adapting the ordinance of 1787 to the new government.

Having thus, sir, in a very cursory manner, adverted to the different deeds of cession and the acts of Congress, in relation to the territory so ceded, I will proceed, in a still more cursory manner, to state some of the reasons which have produced a conviction upon my mind that the sixth section of this immortal ordinance, upon which the gentleman from Pennsylvania relies as his authority to impose the contemplated restriction upon the State of Missouri, cannot, and will not, support the mighty fabric which has been attempted to be reared upon it. I contend that the sixth section was authorized by the deeds of cession by which Congress acquired the territory, for the government of which the ordinance was passed; these deeds having embraced no condition or stipulation to that effect, and not having transferred to Congress any power for that purpose.

It was unauthorized by the articles of confederation, no power to pass any such restriction having been delegated to Congress by that instrument; and all powers not expressly delegated being retained to the people. The passing of this restriction, therefore, was in derogation of the rights of the people so retained. But, by way of rendering this part of the ordinance more acceptable, it has been called a compact and agreement. A strange compact and agreement, indeed! I had always supposed that it required at least two parties to enter into a compact or agreement. But, in the instance under consideration, there seems to have been but one party. It was a compact and agreement made between Congress and themselves, no other party consenting, or being even consulted, in relation to the subject-matter of this important restriction; a restriction made without authority, and one violatory of the equal rights of the people of this country.

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But, if I should have formed erroneous conclusions in relation to this ordinance—nay, even if I were to admit that it was duly authorized and properly made, it was certainly *local* in its very nature, and confined in its operations to the territory of the United States northwest of the river Ohio. As a proof of this, whenever it has been necessary to extend its provisions to territory subsequently acquired, it has always been by a special act of Congress, passed for that purpose.

The honorable gentleman from Pennsylvania, after informing us that Ohio, Indiana, and Illinois have been admitted under his favorite ordinance, triumphantly asks—how can Missouri complain? I am not apprized that the right of restriction was contested at the time of the admission of these States: I think it highly probable it was not. The ordinance of 1787 embraced the territory of which these States were formed. It had been for a long time acquiesced in. The territory had been settled under the impression that slavery was not to be tolerated, and the restriction contained in the ordinance was, as to the inhabitants of this territory, of no importance whatever. In relation to Missouri the case is widely different. The ordinance of 1787 has never embraced it: it has been settled by slaveholders, whose manners, customs, and habits, are not only familiarized to the toleration of slavery, but for whose convenience it has become somewhat necessary, and to whom the General Government has given every implied assurance that there would be no attempt to inhibit slavery. Louisiana, a part of the territory acquired by the same treaty, and at the same time, has been admitted into the Union without such restriction. An act of Congress passed for the government of Missouri contains no such restriction. Every new State which has been admitted into the Union, (with the exception of those formed of the territory northwest of the river Ohio, and which were embraced in the ordinance of 1787,) have been admitted without such restriction. I would remind the honorable gentleman that Vermont, Kentucky, Tennessee, Louisiana, Mississippi, and Alabama, had no such restriction imposed upon them at the time of their admission to the federal embrace. I would then ask the gentleman, sir, whether Missouri may not well complain of the attempt to impose such restriction at this late period? I think she well may. But the gentlemen themselves seem to doubt the authority of the ordinance, and resort to the Constitution.

I will proceed, sir, to an examination of those parts of the Constitution from which gentlemen conceive they derive the authority to impose the contemplated restriction. But, before I do, permit me to premise, “that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

In approaching the Constitution of my country, sir, I proceed with a kind of deferential awe: it is a hallowed instrument, with which I am almost afraid to trust myself.

The grant of powers to Congress by the Constitution, are embraced in the 8th section of the 1st

article; by which Congress shall have power to lay and collect taxes, to borrow money, to regulate commerce, to establish an uniform rule of naturalization, to coin money, to promote the progress of science and useful arts, to constitute tribunals inferior to the Supreme Court, to declare war, &c. Among the powers enumerated in this section, the one contended for will not be found. But the gentlemen inform us that the power is derived from the 9th section of the same article, or from the 3d section of the 4th article; but from which of these sections the advocates of this measure have not exactly agreed among themselves. That it cannot be derived from both, I presume, must be admitted; for it would be doing injustice to the profound intelligence of the immortal framers of the Constitution to suppose that they would have employed two distinct sections in different articles of that instrument, to convey the same power. And this diversity of opinion among such able expositors of the Constitution, renders it at least doubtful whether it is derivable from either section.

But let us examine the sections referred to. The 9th section of the 1st article is as follows:

“The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.”

It is much to be regretted that any section of this inimitable instrument should have been so constructed as to admit even of doubtful interpretation. It is, however, a proof that perfection belongs not to man, but is an attribute of the Deity. The instrument under consideration is, perhaps, as perfect as man could make it.

The gentlemen who rely upon this section contend that the power impliedly acknowledged to reside in Congress, by the phraseology of this section, to prohibit the migration of slaves, is sufficiently extensive to authorize the interdiction of carrying slaves from one State to another of this Union, or from the States to the Territories belonging to the United States; and that Congress may well regulate the intercourse between the States and Territories, in this regard, and totally prohibit the “migration” of slaves.

On first turning my attention to this subject, with a view to the formation of an opinion upon the section under consideration, I was impressed with the belief that the words “migration and importation” were used as convertible; that they were intended to have the same interpretation; and both to have reference to the introduction of slaves from abroad: for, although the word “persons” was used, I had no difficulty in believing slaves were meant. This construction I believed to be strengthened by the fact that the word “migration” is entirely dropped in the latter part of the section, and the word “such” is made to refer to the persons so to be introduced; Congress being authorized to impose a tax on such importation not exceeding ten dollars for each person. But, on more mature reflection, my mind came to the

conclusion that the words were entitled to be considered separately; that they were intended to have distinct meanings, and each to be employed in the performance of a particular office. I was the more easily led to this conclusion from the belief that the great and excellent men who formed our Constitution, would not have employed an unnecessary phraseology, or have used words which they did not intend should have their appropriate signification.

The construction, therefore, which I am disposed to give to this section is—that the word “importation,” as its appropriate meaning would indicate, looks abroad and was intended to embrace slaves brought into this country from Africa and elsewhere by water. The word “migration” was intended to embrace such as should be brought into the United States by land, from the contiguous territory belonging to foreign Powers. For it would have been idle and vain to have prohibited the “importation” or the bringing of slaves directly into our ports—whilst there should be no interdiction of “migration” from the territory of foreign Powers immediately adjoining the territory of the United States, and it must be recollected, that at the time of the adoption of the Federal Constitution, this country was bordered in different directions by territory belonging to other nations. By giving this construction you satisfy the full meaning of both words. And this without in the slightest degree touching the intercourse between the different members of the Federal family—to authorize an interference with which, under this section, could not have been in the contemplation of the framers of the Constitution. For I can scarcely believe that, at the time of its adoption, it was anticipated by any one, that the period would ever arrive when the Congress of the United States would undertake to restrain the “migration” of the inhabitants of the Union from one State to another—or (which amounts to the same thing) would prevent them from carrying their property with them when they did migrate.

But fortunately there is a practical commentary upon this subject. The Congress of the United States, in March, 1807, in passing an act to carry this provision of the Constitution into effect, or rather in the exercise of a right impliedly given to them by this clause—have virtually given the construction for which I contend. They prohibited the importation of slaves from abroad or the bringing of them into the United States from the dominions of any foreign State immediately adjoining the United States, under severe penalties. But so far from attempting to prohibit the removing of slaves from one State to another, they have by the same act regulated coastwise the manner of this intercourse. So far, then, as the experience of Government reflects light upon this subject, its tendency is to illumine the path I have taken in the exposition of this section of the Constitution. And although I would not pretend that we are bound by what our predecessors have done in this regard, yet I trust the force of a good example will not be altogether disregarded.

Having, as I think, shown that the power sought

to be exercised is not legitimately derivable from the 9th section of the first article of the Constitution, I now proceed to an examination of the third section of the 4th article, with a view to ascertain whether honorable gentlemen have been more fortunate in the selection of this section—from whence to derive the power contended for.

The section is as follows:

“New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.”

“The Congress shall have the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States. And nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.”

By the first clause of this section, we perceive that “new States may be admitted by the Congress into the Union.”

In the construction of this clause great influence is given to the word “may.” Congress “may” admit new States. And it is contended that as Congress may do this, it follows as a necessary consequence that they may prescribe the terms upon which it may be done.

This, I think, is an inference not fairly deducible from the premises. Because you have a right to accept or reject a proposition when made to you, it certainly does not follow, as a consequence, that you have a right to compel the person who made the proposition to change and modify it, so as to render it compatible with your ideas of the fitness of things. Your power is fulfilled when you have exercised the right of acceptance or rejection.

Besides, I presume, the construction contended for is extending the use of the word “may” far beyond what was originally intended. The States contemplated to be admitted, I take it for granted, were to be clothed with sovereign, independent power, having all the rights, privileges and immunities of the States which then composed the federal compact. And they were to come into the Union upon equal terms, so as not to disgrace the fair fabric of our Government. I can hardly presume that they were to be manacled and dragged into the Union, loaded with disgraceful restrictions, having a tendency to make them loathe their condition.

It could scarcely have been intended by the framers of the Constitution to have transferred a power to Congress, in the exercise of which they might be enabled to mock the feelings and trample upon the rights of any portion of persons, who, from an ardent attachment to the principles of liberty, and affectionate regard for the beautiful structure of our Government, should seek protection under its fostering wings.

Had such power been intended to be transferred to Congress, I would ask, why was not the power “expressly delegated?” What prevented the insertion of such a provision in the Constitution?

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It would have occupied but little time to have added, after the word "Union," the words "upon such terms, conditions, and restrictions as Congress may deem it expedient to impose." These, or similar words, not having been used, the power is not "expressly delegated," in the language of the Constitution.

But it may be asked, what meaning should be given to the word "may," and how is the option which it is admitted Congress possesses, to be exercised? The answer is easy. Congress may choose whether they will accede to the proposition or not. Congress may exercise the right of judging whether the territory is in a state of preparedness for admission into the Union. Whether she has sufficient numbers to entitle her to the dignity of a State; whether it is consistent with the general welfare that such territory should be erected into a State at this session, or her admission into the Union be postponed to a more distant period. Or, perhaps, I might go farther, and say, that Congress may exercise a right of refusal altogether, though I think such refusal would be incompatible with good faith. But, I repeat, that such right to admit or to refuse admission, does not imply a right to impose terms and conditions.

As to that part of the section which authorizes Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States, I should hardly have supposed, if I had not seen otherwise, that it would have been seriously contended that this claim conveyed to Congress the power of imposing a restriction upon a State applying for admission into the Union. The words of the section appear clearly, to my view, to have contemplated only a temporary arrangement in relation to the territory and property of the United States, and did not look to an interference with State rights. Nothing more, I apprehend, was intended by this section, but that the Congress should be authorized to extend the fostering arm of Government for the protection of those infant establishments. To afford them nurture, and to cherish them until, warmed and animated by the genial influence of parental care, they should have grown to maturity, and should have become capable of assuming the imposing attitude and dignity of States; at which time Congress, by the provisions of the other clause of the section, were authorized to admit them into the Union, and the necessity for those temporary rules and regulations would of course cease.

But, if this course of reasoning should by some be thought fallacious, it surely behooves the advocates for the imposition of the restriction to show that the inhibition of slavery is a needful regulation for the territory in question. As far, sir, as we are led by the lights of experience, the reverse is the fact. Persons who inhabit that territory, and who certainly ought to be esteemed at least as capable of judging of this matter as those so far removed, inform us that such restriction is not needful, and that they are desirous none such should be imposed—wishing to have the privilege of regulating their internal police as in their judgment shall best promote their happiness and welfare; a

privilege, Mr. President, which I think ought to be accorded to them. Thus, sir, I have cursorily examined the other section of the Constitution, upon which gentlemen rely; and I have searched in vain for the grant of power to impose the restriction contemplated by the amendment on your table.

I cannot but remark, sir, to what lengths arguments might be carried, predicated upon the supposition of the existence of the power on the part of Congress to impose conditions and restrictions.

If you have the authority to impose the one now sought to be imposed, may you not impose any other? If you have a right to inhibit the introduction of slaves into the new States, you have a right to inhibit the introduction of any other species of property. And you may go a step further, and prescribe the manner in which the soil shall be cultivated. In fine, there is no restriction or condition whatever, which may not, with equal propriety, be imposed.

Have honorable gentlemen reflected, that, if we have a right to inhibit slavery, by a parity of reasoning, we have a right to impose it. How would the good people of the District of Maine, who are now applying for admission into the Union as an independent State, feel, if Congress were to make it a condition of their admission, that slavery should be there tolerated, and persons migrating thither might carry with them their slaves, and exercise all the acts of ownership over them which they were wont to do in the State from whence they migrated?

I imagine, sir, that the people of Maine would begin to inquire from whence Congress derived the power to impose such a condition. They would be desirous of knowing, sir, from what article or section of the Constitution Congress derived the power to interfere with the internal affairs and police of their State. And I much question, sir, whether we could take shelter under the wings of the Constitution, from the imputation which would be cast upon us, of an assumption of unauthorized power.

But, sir, without detaining the Senate longer upon this branch of the subject, I will proceed to an examination of the treaty between the United States and France, by which the territory of Missouri, with other territory, was acquired. And in the investigation of this part of the question, I might admit, for the sake of argument, (and for argument's sake alone could it be admitted,) the possession by Congress of the power contended for, as a general principle, and yet might successfully contend that they are forbid the exercise of such power in relation to Missouri, by the express provisions of the treaty. The third article of this treaty provides that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

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The treaty bears date the 30th April, 1803, and was, no doubt, entered into with good faith between the high contracting parties. And by this treaty it will be seen that the inhabitants were to be incorporated into the Union as soon as possible, and were to be protected in the free enjoyment of their property. It is admitted, or, at any rate, it has not been denied, that slaves constituted a part of the property of the inhabitants of the ceded territory, and of which the United States guaranteed the free enjoyment; thus recognising the existence of slavery in the territory in question.

But a reference to the acts of Government in relation to this territory will be sufficient to show what construction has been placed upon this article of the treaty.

By an act of Congress, passed in October, 1803, the President of the United States is authorized to take possession of the territory ceded by France to the United States. In March, 1804, an act is passed erecting Louisiana into two territories, Orleans and Louisiana, and providing for the temporary government thereof. And by the 10th section of this act, it is declared, among other things, not to be lawful for any person to import or bring into the said territory, from any port or place within the limits of the United States, any slave or slaves, except a citizen of the United States removing into said territory for actual settlement, and being, at the time of such removal, *bona fide* owner of such slave or slaves. Upon this section the honorable gentleman from Pennsylvania has placed great reliance, and, with much confidence, asserts that here is a recognition, on the part of Congress, of a right to inhibit slavery in the territory in question; and that the amendment which he has offered seeks to do nothing more than our predecessors have done. I would remark, however, that the gentleman's amendment goes much farther than even the act of Congress upon which he relies has gone. By this act, persons who wished to settle in Louisiana might carry with them their slaves; but, by the gentleman's amendment, the farther introduction of slaves into Missouri is to be irrevocably prohibited; so that, if an owner of slaves were to migrate to Missouri, he could not carry with him this species of property.

Without attempting to give any positive opinion upon the subject, I think it not improbable that, if the question had ever been properly brought before the Judiciary, this prohibitory section would have been declared unconstitutional, and consequently void. It is sufficient for my purpose to show that the Congress themselves considered they had gone a step too far in relation to this inhibition. They very soon became apprized of the error into which they had fallen, and embraced the earliest opportunity of correcting it. At the very next session, in 1805, in an act further providing for the government of the Territory of Orleans, it is enacted that the 6th article of compact in the ordinance of 1787, (which prohibits slavery,) shall not extend to, but is excluded from all operation within, the Territory of Orleans. And the laws which were then in force in the said territory,

not inconsistent with this act, were to continue. By this act of 1805, the 10th section of the act of 1804 was virtually repealed. And I understand it was the constant practice, after the passage of the act of 1805, to import slaves into Orleans, until the year 1808, when Congress, in terms of the Constitution, prohibited such importation.

In the same year, (1805,) Congress also passed an act for the government of the Territory of Louisiana, in which there was no inhibition of slavery.

The Territory of Orleans, by the name of Louisiana, is admitted into the Union as an independent State, in 1812, without the restriction in relation to slavery.

In the same year, (1812,) the name of the Territory of Louisiana is changed to that of Missouri; and an act is passed for its government, in which there is no restriction respecting slavery. From these different acts of Congress, sir, I think persons who purchased lands in Missouri might well have calculated that, at any future period, it would be competent for them to settle those lands, and cultivate them with slaves. I might be permitted to ask, sir, would not the imposition of the restriction *now*, even admitting Congress had the power to impose it, be manifestly unjust. The State of Louisiana, a part of the same territory, acquired at the same time, is in the full enjoyment of the rights of property in slaves. By what principle of equal justice will you deny to Missouri the same privilege? Mr. President, it should be the pride of Congress to mete out to the inhabitants of the various sections of this vast Republic, equal and impartial justice. Let no one section have just cause of complaint. The difference sought to be made between the inhabitants, of even the same territory, is too apparent not to be perceived. It will long be remembered, I fear, by the people of Missouri, and cannot certainly be expected to increase their attachment for the Federal Government.

But, Mr. President, the words of the treaty itself are sufficiently comprehensive for all the purposes of this argument. They are broad and latitudinarian in their extent. The inhabitants of the ceded territory are to be admitted to all the rights, advantages, and immunities of the citizens of the United States. They are not to be restrained, but are to be left free to choose for themselves, what portion of these privileges they will enjoy. Restrain them, then, in the enjoyment of any essential right, and you violate the provisions of this treaty. If an inhabitant of Missouri can point to an inhabitant of another State, and with propriety say, that such individual is in the enjoyment of rights which Congress have denied to him, he may well complain that the treaty has been violated. To illustrate this position: if the inhabitants of Missouri should turn their eyes to the slaveholding States, and see the inhabitants of those States exercising acts of ownership over a description of property which the Congress of the United States had denied to them the privilege of owning, well might those of Missouri complain of a violation of good faith, and of an infringement of those rights which

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were guarantied to them by the treaty of cession. But, admitting, sir, that we possessed the right to impose the restriction now sought to be imposed upon Missouri, would it comport with the unanimity of Congress to impose it? And is not the policy of doing so at least questionable? I would, ask sir, who are to be benefited by it? The free people of Missouri. They tell you that you mistake their true interest, if you suppose you are doing them a service by this means. Is it for the benefit of the free population of the slaveholding States? They beg you not to be concerned on their account; they do not consider that restriction at all necessary, nor can they perceive that their happiness will be promoted by such a measure. It is the slaves, then, whose condition is to be ameliorated by the imposition of such restriction. The principles of humanity and benevolence are to be promoted by the measure. Are we certain of this? Will the confinement of the slaves within circumscribed and narrow limits have a tendency to increase their comforts and promote their happiness? Is not the experiment a doubtful and somewhat dangerous one? May we not deteriorate the condition of the *whites* in a greater degree that we shall ameliorate that of the *blacks*? I presume, sir, the greatest philanthropist among us would, at least, doubt upon the subject. A question, then, of such doubtful policy ought to be abandoned. I am at a loss even to conjecture what difference it can make on the score of humanity and benevolence, whether the same person is held to service in Georgia or Missouri. It is not contemplated by those who oppose the amendment on your table to increase the number of slaves. It is not contemplated to rivet the chains of slavery around the neck of a single individual who is now free, or to bring any slaves into this country from foreign States. They desire, however, that the States should be left free to regulate the intercourse among themselves in relation to this species of property, already among them. I think every principle of policy forbids the interference, on the part of Congress, with the internal policy of the States. Collisions between the States and the Federal Government might be productive of the most unhappy consequences—such as no patriot would be willing to see, and which, I am sure, the honorable gentlemen who advocate the proposed amendment would deprecate as much as any other members of this assembly.

I think, Mr. President, honorable gentlemen have received erroneous impressions in relation to the treatment of slaves in those parts of the country in which slavery is tolerated. These people, sir, are far from being in that state of intolerable vassalage which some gentlemen seem to believe. Persons at a distance cannot possibly judge correctly of their condition. They hear the term slave, and their imaginations accompany it with nakedness, hunger, with the lash, the chain, and a destitution of every comfort. Nothing can be more foreign from the true condition of the slaves. As far as my knowledge extends, they are well clothed, well fed, and treated with kindness and humanity. They are cheerful and apparently happy.

But, sir, we are not now legislating upon the question whether slavery is to be tolerated or not. If we were, perhaps there would not be such a diversity of opinion. The period has long since passed by when that question was in order. The evil, if it be one, already exists. It has taken deep root in our soil, and I know of no means of extirpating it. As the poison cannot be entirely destroyed, then, the political physician would recommend that it should be scattered and disseminated through the system, so as to lose its effects. The more widely, then, this evil is diffused, (paradoxical as it may seem,) the less fatal will be its effects. If this description of people should ever do us harm, it will be by their dense population: when they can act in concert at short notice. But, Mr. President, this is a topic too delicate to touch; it is one upon which I forbear to enlarge.

Honorable gentlemen, arguing this as an original question upon the subject of slavery, tell us, very emphatically, that slavery is too great an evil to be tolerated. Suppose we should entertain the opinion that such is the fact, and the people of Missouri should think differently; shall we take upon ourselves to judge for them what is most for their advantage? Shall we deny them the right of opinion? Is this compatible with the genius and spirit of our free Constitution? Are these the sentiments of gentlemen who abhor slavery? I had thought, Mr. President, that the pride of opinion was the American's boast. I had fondly hoped that the old doctrine of saving the people from their worst enemy, themselves, had been long since exploded; and that one much more congenial with the principles of our Government had been substituted. I had thought, that, as the people were the source of all power, they might be permitted to judge for themselves in all original and important questions in which their welfare was materially involved. I must contend then, sir, that whether slavery is really an evil or not, is a matter for the people of Missouri to determine for themselves, and not Congress for them. If it is an evil, and they choose to hug it to their bosoms, and to enfold it in their fond embrace, does it pertain to Congress to deny them the privilege? Shall we take from them the right of judging for themselves upon a subject so intimately connected with their welfare? Will those who inveigh so bitterly against the slavery of the blacks make slaves of the white people of Missouri, and rivet chains about their necks? Shall an American Congress, basking in the sunshine of the only free Constitution upon earth, unmindful of the blessings which they themselves enjoy, undertake to impose a government upon a portion of their citizens, against their will, and to restrain them in the exercise of rights enjoyed by others? Such a course of conduct might do well for a despot of Europe. Such a procedure might have been expected from a Bonaparte, in the meridian of his splendid career of conquest. But for the meek-eyed sons of a Republic to attempt such a thing, I must confess, Mr. President, has excited my astonishment and regret.

These people are either capable of self-govern-

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ment, or they are not. If the former, permit them to frame a constitution for themselves, restrained only by the obligation imposed by the Federal Constitution—that it shall have a Republican form. Let us grant to them the boon of self-government, without alloy. But if they should be deemed incapable of self-government, let Congress, in tender commiseration for their unfortunate condition, continue “to make all needful rules and regulations,” which may be essential for their comfort and protection. But can it be expected that the people of Missouri, the hardy sons of the West, will tamely submit to such a degradation—to such a palpable infringement of their rights? Will they submit to be told that they are incapable of thinking and acting for themselves; that they are incapable of appreciating the advantages, or of avoiding the evils of slavery?

Such submission and humiliation, sir, might be expected from the slaves of an eastern despot, whose souls, enfeathered and enchained by arbitrary power, had become so fallen, so degraded, and debased, that they were incapable of the exercise of manly feelings. But to expect such submission from the free-born sons of America, upon whose birth the genius of liberty smiled, who have been nursed in the lap of independence, and grown to manhood, warmed and animated by the genial influence of our happy Constitution, is to expect that which reason and nature forbid. 'Tis to expect from freemen the conduct of slaves.

Mr. President, unless these men are composed of different materials from what I presume they are, I fear—much do I fear—that the imposition of restrictions, or the refusal to admit them unconditionally into the Union, will excite a tempest, whose fury will not be easily allayed. It is, perhaps, wrong to predict or anticipate evil, but he must be badly acquainted with the signs of the times, who does not perceive a storm portending; and callous to all the finer feelings of nature must he be, who does not dread the bursting of that storm.

Mr. President, I cannot but imagine to myself intestine feuds, civil wars, and all the black catalogue of evils consequent upon such a state of things. I behold the father armed against the son, and the son against the father. I perceive a brother's sword crimsoned with a brother's blood. I perceive our houses wrapt in flames, and our wives and infant children driven from their homes, forced to submit to the pelting of the pitiless storm, with no other shelter but the canopy of heaven; with nothing to sustain them but the cold charity of an unfeeling world. I trust in God, that this creature of the imagination may never be realized. But if Congress persist in the determination to impose the restriction contemplated, I fear there is too much cause to apprehend, that consequences fatal to the peace and harmony of this Union will be the inevitable result.

When Mr. WALKER had concluded—

Mr. Mellen rose and said: I rise, Mr. President, to express my sentiments upon the subject under consideration, with a deep conviction of its importance, in regard to the lasting welfare and hap-

piness of our country. I approach the questions with respectfulness; aiming at nothing beyond plainness and simplicity. On this occasion, I am not disposed, were I able, “to gather and distribute the flowers of rhetoric,” notwithstanding the happy example which I have this morning witnessed.

I am not vain enough to believe that I can shed new light upon a question which has been so learnedly and elaborately investigated in both Houses of Congress on a former occasion, and has recently employed the talents of respected individuals in different parts of the Union. I am sure, sir, if the subject has not already been exhausted, the distinguished powers of intellect which will be exerted during the present discussion will completely exhaust it. Still it is my duty and my pride frankly to express my own, as well as the feelings and opinion of the State I represent; and I cannot decline it, nor consent to give my silent support to the amendment proposed by my honorable friend from Pennsylvania. Notwithstanding some remarks which have been made by those who have preceded me, I can assure those with whom I may differ in opinion, that, for one, I am the firm friend of harmony and peace; and as I am not conscious of any hostility of feeling, no such hostility will be shown; no other language but that of truth and independence can be necessary or proper. With these motives, dispositions, and principles, I will pursue the path of duty.

We are told, sir, that, in relation to the subject before us, an unusual and alarming degree of excitement exists in the public mind; that the community is in a state of threatening agitation; and we have been repeatedly admonished, and in very intelligible terms too, to extend our view to consequences. Without at present considering those consequences which have been named, permit me, Mr. President, to inquire, “in what this excitement consists?” and what are the proofs of it? I believe there is an opinion on this interesting subject; an opinion deep and strong, and expressed, in various places and on various occasions, in emphatic language, but in a manner as calm as it is firm. Among the friends of the proposed restriction, I have never heard of any other excitement. Surely it does not appear within these walls; nothing can be more cool and dispassionate than our discussion thus far: no other warmth is displayed than that which is naturally produced by intellectual exertion. Sir, if the agitations of the community could be heard from our windows, they ought not to disturb the calm of this hallowed hall of legislation, or produce an undue effect upon our deliberations. But, sir, if we look abroad, do we see any thing more than the excitement which I have described? It is true, there is a lamented difference of opinion on this important question—the further extension of slavery. A portion of the community believe that Congress have no Constitutional authority to interdict this extension of slavery in the new States to be formed west of the Mississippi; and that, if they had, it would be unwise and unjust to exercise the authority. Another portion of the community firmly believe that Congress do possess this authority, and that they are under the obligations

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of duty to exercise it; and that its exercise would produce lasting and extensive blessings. This opinion, I have before observed, is deep and strong; but the only proof of it is contained in arguments and statements which have issued from the press, or in the language of respectful resolutions or memorials, which have been transmitted to us for our consideration, expressive of the opinions of legislatures or large and respectable bodies of our fellow-citizens. If any other proof of unusual and alarming excitement can be found, it is not among those who advocate the proposed amendment. Why, then, Mr. President, is the question to be prejudiced by allusions to circumstances which have no existence but in imagination; and why should there be an attempt to divert us from our object, by these collateral considerations? But, sir, we have been again and again cautioned, in the language of terrifying prophecy, to pause and consider before it may be too late. We are told, that if the friends of the amendment should obtain their object, and succeed in excluding slavery from Missouri, and in maintaining a principle that will exclude it from the extensive territory beyond the Mississippi, sectional jealousies and animosities will be the immediate consequence; the harmony of our great and happy family will be destroyed; commotion and civil war may next present their horrors, and a dissolution of the Union may be the fatal result. This, to be sure, is a dreadful catalogue of evils; the prospect is dark and melancholy. But, Mr. President, I believe better things of my fellow-citizens. I have better hopes and brighter views; the bands which unite us are not so easily to be broken; we are a great, prosperous, and happy people: heaven has showered upon us ten thousand blessings, which demand our grateful acknowledgments. We are becoming more assimilated as our intercourse increases: our social attachments are daily strengthened as our commercial connexions are multiplied. And shall all these blessings be put in jeopardy, or destroyed; and all these hopes and promises of our country be thrown away, because Congress may feel it their duty to cherish the spirit of liberty in its best estate, in Missouri, and exclude from thence a principle which would impair her health and beauty? No, sir; I can never dream of such consequences as these, in this land of good feelings and good sense. We must decide the question before us, one way or the other, as our sense of duty may direct; and it is to be presumed that, in this case as well as in all others, our habitual respect for the laws and the principles by which our rights are secured, will lead all to a ready acquiescence in the decision which may be made. On this occasion, we cannot pursue a safer course than to act under the influence and guidance of that excellent rule—"Do right, and let heaven answer for the rest."

In the present discussion, two questions are naturally presented for our consideration:

1. Has Congress a right to impose the restriction contained in the proposed amendment; and,
2. Is it expedient, in existing circumstances, so to do, if they have such a right?

In considering the first question, principles con-

tained in the Constitution, inferences drawn from the celebrated ordinance of 1787, and the adoption of many of its provisions, the construction of the third article of the treaty by which France ceded Louisiana to the United States, and some acts of Congress, will require particular examination. The Constitution of the United States declares, that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory belonging to the United States." Here, a general superintending power is given: a power necessary in the very nature of the thing; and, by virtue of this power, territorial governments were long since established over those portions of the country not included within the limits of any of the States; and such governments have been continued until the territory became a State, and was admitted into the Union. Missouri is now enjoying protection and numerous rights and privileges under such a government. In regard to this territory, Congress have heretofore established rules and regulations, which they then considered needful and proper; and though they did not then prohibit the introduction of slavery, (and it is a great misfortune that they did not,) still it is admitted that they might have established such prohibition. Indeed, Congress may bestow on the territories what political powers they think proper, subject to such limitations as they deem reasonable. The power of Congress over territories will be seen to be an important one, when taken in connexion with another clause in the Constitution, which authorizes Congress to admit new States into the Union. But, before considering this power, I beg leave, sir, to notice another clause. It is declared in these words, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." According to ordinary rules of construction, this prohibition seems to imply, that, had it not been inserted, Congress might prohibit before that period; it operates as a suspension of a pre-existing power, else why was it so carefully inserted? But even this prohibition was to extend no further than to the States then existing; much less can it be considered as having reference to States beyond the Mississippi, in a country which it was not then contemplated would ever be ours.

There seems to be nothing equivocal in the meaning of the term "importation." To the honor of the United States, Congress, as soon as their authority commenced, proceeded to enact laws to prevent this importation. But, it is urged that the word "migration," is either synonymous with "importation," or else that it was used by the framers of the Constitution to mean the introduction of slaves, by land, from the territories belonging to a foreign Power. Without attempting to be over-critical, I consider the term "migration" to signify a removal from place to place; but it is not readily perceived by what authority such removal must necessarily be from a place in a foreign territory to a place in the United States. In the connexion in which it stands, it seems to indicate a removal from one State to another; because men-

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tion is made of the consent of the State to which such migration is intended. Another reason for this construction, is derived from this consideration, viz., that the word "importation" is appropriate to an introduction by land as well as by water; this will appear evident, by a recurrence to several acts of Congress passed during the continuance of our restrictive system, prohibiting importation of English merchandise. It would seem, therefore, that Congress are at liberty to prevent the migration of slaves, by virtue of the two clauses of the Constitution before recited, into Missouri, whether as a territory or State. To show that this conclusion is not drawn without authority, I beg leave to refer the Senate to the act of Congress establishing a government for the Orleans Territory, passed soon after the cession of Louisiana. In this act we have a legislative construction of the word "migration," in that clause of the act which prohibits the introduction of any slaves "into the territory from any place in the United States, except by a citizen removing into the territory for actual settlement, and being, at the time of such removal, the bona fide owner of such slaves." Here, in certain circumstances, "migration" is expressly forbidden. And until very lately, the power of Congress to pass such a law has not been questioned. Still, sir, I place less reliance on the foregoing construction than on some other provisions of the Constitution, which I shall presently examine.

It is contended that the friends of the proposed restriction are urging a measure novel in its nature, and in hostility to the spirit of the Constitution, the tendency of which is to prejudice existing rights, and disturb that system of powers and privileges which was arranged by the framers of the Constitution, by mutual concession. I reply to this, let it be observed, that the proposed amendment avoids this objection, by only prohibiting the further introduction of slavery into Missouri; leaving those slaves who are already there, undisturbed, and not attempting to invade property or endanger vested rights. But further, let it never be forgotten, that the Constitution of the United States was formed by the thirteen States, then existing, for the benefit of those States, and those which might afterwards be admitted into the Union, and composed of portions of the territory then belonging to the United States. On this basis, and with these views, all those arrangements were made in regard to the toleration of slavery. The principle of representation, as founded on slave population, and the equal right of State representation in the Senate—there is no question that all these arrangements were made under the influence of a pacific and conciliating disposition.

I trust and believe, sir, that no man in the Union wishes to violate the sacredness of the compact; and, with irreverence to the Constitution, put in jeopardy any of those rights or principles which it was intended to preserve inviolate. But what was it intended to guard? The history of its formation answers the question: the rights and privileges, great and invaluable, of the "high contracting parties"—the rights of those who were embraced within the limits of the United States. The vast

wilderness beyond the Mississippi formed no part of the country for whom the great men of our nation were then preparing a Constitution. Look back to that day, and facts will teach us how to understand that great instrument. All compacts are to be construed according to their subject-matter—in reference to the state of things to which they relate. When the object in view is ascertained and duly considered, it guides us safely to the sure mode of expounding it. But since we united under our present Constitution a new event has taken place: the annexation of the Western world beyond the Mississippi to the United States. Missouri, a part of this new territory, now prays to be admitted as a State into the Union. This seems to me, sir, to present a new question in some respects—a question respecting which certain restrictions in the Constitution are applicable; a question about which Congress are at liberty to legislate as they think just and proper; unrestrained either by the letter or spirit of the Constitution, respecting slavery, and the rights founded on or incident to it. The present case stands on ground entirely different from that of the new States which have been formed east of the Mississippi. I need not, sir, particularly recite the principles of the ordinance of 1817—my honorable friend from Pennsylvania has been particular on this head. By this ordinance slavery was forbidden in Ohio, Indiana, and Illinois—or rather in the territory out of which these States were formed; of course slavery was interdicted in those States when they were admitted into the Union. The case was different with regard to Kentucky, Tennessee, Mississippi, and Alabama; they were formed of parts of slaveholding States, and by compact Congress had no authority to interdict slavery in them, and of course it is not interdicted. Missouri stands on different ground. Can Congress interdict the further introduction of slavery here? I rejoice, Mr. President, in the firm belief that they have authority so to do.

By the Constitution it is provided that Congress may admit new States into the Union—*may* admit them. It is admitted by all that Congress is not bound to admit any. Congress must have the power of deciding; they may refuse, and many cases may be imagined in which it would be foolish in Congress to refuse. They may now refuse to admit the Territory of Michigan, a part of the old territory of the United States; *a fortiori*, they may for good cause refuse to admit a State composed of a part of the Louisiana purchase. In fact it is explicitly admitted in argument, that Congress has a discretionary power to admit, or refuse to admit a State into the Union. They are now exercising this discretion as to Maine. We must presume that Congress will not abuse this discretion, but act with integrity and intelligence. Congress may borrow money; may declare war; may pass a law establishing a uniform system of bankruptcy; but they will not exercise either of these powers, except when the public good may require it. If Congress could not refuse the admission of a State, the application would be no more than a form, and little better than a farce.

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But, sir, it is said that the Congress have the power to postpone or refuse the admission of a State into the Union; yet, when they do admit one, they cannot constitutionally annex any condition to such admission. I cannot accede to this proposition; practice and principle both seem to contradict it. Look, sir, to the law admitting the State of Louisiana into the Union. Several important conditions are inserted in it, to be performed on the part of the State. The trial by jury is secured; the benefit of the habeas corpus; the records of a public nature are required to be kept in the English language; and some other terms of equal importance, which are not now distinctly recollected. And yet until this Missouri question (as by way of eminence it is called) was agitated, the power of Congress to annex the above-mentioned conditions was never questioned for a moment. But, sir, let us go further, and look at this very Missouri bill, which has been reported by way of second section to the main bill; why, sir, it is full of propositions, and terms, and conditions; and now, because one more is proposed, we are met with the objection that Congress have no power to annex or propose any.

I am not able to understand this inconsistency. Let us look at this objection in another form. Suppose that the present bill should pass without any interdiction of slavery, and at the next session Missouri should come forward with the constitution she had formed, and Congress, upon examining the constitution, should refuse to admit the State into the Union, because it contained no such interdiction. Now, it is admitted, on the other side, that Congress may refuse absolutely, but it is denied that they can admit conditionally.

Mr. President, I beg to know of what importance it is in principle, whether the constitution is formed before an interdiction is required, and then rejected for want of it, and the State refused admission; or whether such interdiction be required in the act by which authority is given to form the constitution, and make the requisite arrangements preliminary to admission? I cannot discern any difference in principle between the two cases. But, sir, there is another idea on this head, to which I would call the attention of the Senate; unless I am mistaken, it is deserving of some consideration. Congress, by inserting the conditions or restrictions in the bill under consideration, do not thereby impose such conditions or restrictions on Missouri, and give them a binding force. No, sir, it is the acceptance of the grant of admission, with such conditions or restrictions annexed, that creates the obligation, and subjects Missouri to its control. It is her own act which must produce the liability. The act of admission, under these limitations, is a compact, and there must be consent on both sides. Congress may refuse to grant their consent to the admission, except on terms proposed; Missouri may refuse to accept the grant, subject to such terms; and thus the whole becomes ineffectual. I will, sir, illustrate this by a single example. The charter of the United States Bank was granted to certain persons; and one of the conditions annexed to the grant was, that the bank should pay to the

United States a bonus of a million and a half of dollars, in certain instalments. Surely this condition did not, and could not, bind the bank, or render the stockholders liable to pay this bonus, unless, by some act on their part, they had signified their acceptance of the charter, subject to its conditions. This principle is too plain to need further comment or illustration. Such acceptance was signified by the bank, and thereupon the condition became obligatory on the stockholders in consequence of it. Missouri, in her present situation as a Territory, is subject to the legislation of Congress, and is capable of acceding to or rejecting the many terms proposed in the bill. She may, therefore, decide whether she will consent to come into the Union, renouncing the right to permit the further introduction of slavery, or whether she will refuse to become a member of the great confederacy upon those terms, and prefer to remain in her present situation. I again say, sir, that it is a matter of compact. If Missouri inclines to join the Union on the terms proposed, it is a compact, and she will be bound by it after she shall have assumed the rank of an independent State. In this compact there are no terms which are inequitable; the only object in view is, that Missouri shall, on entering the family of States, agree to prevent the extension of an acknowledged evil, and, by so doing, necessarily produce unnumbered blessings.

But, Mr. President, we are informed that, in the Louisiana Treaty, there is an article, by which Congress are forbidden to annex or impose any conditions on the admission of a State into the Union, composed of a part of the territory ceded by that treaty to the United States, even if they could be supposed to possess the authority claimed, if there had been no such article in the treaty. This point deserves consideration. The third article in the treaty is in these words:

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution; to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime shall be maintained and protected in the full enjoyment of their liberty, property, and the religion which they profess."

The latter branch of this article seems to have no particular bearing on the point under immediate examination. What then is the fair import of the main proviso of the article? To understand this question, we must see who are the parties to this compact. On one side France, on the other the United States. The treaty related to a portion of country purchased by the United States, without the intervention of any individual State, or any connexion with their individual rights or interests. The subject-matter of the compact being wholly of a federal character, the purchase by the Federal Government, and for the use and benefit of the United States exclusively, the first and natural presumption is, that the stipulations on the part of the United States had relation to those subjects which were under their immediate control; not that they were designed to embrace all kinds

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of State regulations—for there is the same reason to suppose they were intended to embrace all, as any particular portion. Applying these principles and rules of construction, we are conducted to what seems to me to be a fair, rational, and satisfactory interpretation. The inhabitants are to be admitted into the Union according to the principles of the Federal Constitution. Those principles require that their new Government shall be republican. The admission shall be by an act of Congress, passed and sanctioned as the Federal Constitution requires; and, when admitted, they shall be subject to the laws of Congress, in the same manner as the inhabitants of the existing States of the Union. They shall enjoy the rights, advantages, and immunities of citizens of the United States. The new State shall be entitled to two Senators in Congress; to Representatives in Congress according to the established ratio; to Electors of President and Vice President; to the benefit of Federal Courts; the Constitutional guaranty of protection against invasion; and all other advantages and immunities which are of a federal nature. Federal rights and immunities are the same throughout the Union; their source is the same. These universal rights and advantages are intended in the article under consideration.

But the right to hold slaves is not one of this description, because the laws of the States are repugnant to each other in this particular. In some States slavery is lawful, in others unlawful. It would, therefore, be doing violence to the language of the treaty, to give it a construction leading to confusion and contradiction. I submit, whether it can be a fair mode of reasoning, to impute to contracting parties an intention inconsistent with their powers, when the words of the compact can be fairly satisfied by a different construction, and one corresponding with the object evidently in view? In a word, the treaty provides for the enjoyment of all those rights and privileges necessarily belonging to a member of the Union; that is, federal powers—those which are characteristic attributes of an independent State in the Confederacy—such powers as render Massachusetts as independent as Virginia; though the former has no right to hold slaves, and the latter has that right, and exercises it.

From the foregoing considerations, I am led to the conclusion that Congress possesses the Constitutional and unrestricted right to prohibit the further introduction of slavery into Missouri, by annexing such prohibition as a condition of her admission into the Union.

The second question is, whether it is expedient for Congress to carry this power into execution? This inquiry opens a most extensive field. It presents facts as interesting to humanity as they are to the essential and lasting prosperity of the country. The inquiry invites the heart to the indulgence of sympathy and commiseration in contemplating the miseries of slavery, and its unwelcome effects on society. But, sir, this is not the time nor the place to advance sentiments or employ expressions calculated to awaken unpleasant sensations, and, perhaps, produce unusual excitement. I will avoid

a course which my judgment would not approve; because, however different may be the opinions of honorable gentlemen in this Senate, or of the people at large, still, those opinions have been honestly formed, and entertained with sincerity; they are, therefore, entitled to respectful consideration, and, I doubt not, will receive it.

In all parts of the United States, slavery is admitted to be a sore evil—an affliction to the country where it exists. On this point no proof is necessary; and it would seem to be a proposition, not admitting of denial, that we ought, on every principle, to do all in our power to prevent the extension of this evil beyond its present limits, though we cannot banish it from those States where it is already too deeply rooted. As yet, the slave population of Missouri is not numerous, and the inhibition for which I am contending would soon render that population of little importance, compared with the free white inhabitants, who, in the course of a few years, would spread over the State; cultivate its rich and valuable lands; introduce and establish habits of industry among all classes, and give that spring and spirit of enterprise to the whole, which freedom only can give; that self-interest which prompts to exertion—an interest which a slave cannot feel, and whose labors, for that very reason, are spiritless, as they promise him nothing.

Mr. President, it should be remembered that we are not legislating for a year, nor for the period of our own lives; but for centuries to come—not in respect to Missouri, merely, but to that almost boundless region beyond the Mississippi, over which our dominion now extends. We are, then, by our decision, preparing evils or blessings for an extensive country and for posterity.

But, sir, all the existing States have a political interest in the present question, which it is their duty to guard. It is a well-known fact, that, in forming our Constitution, a balance was intended by giving to the small States a representation in the Senate equal to that of the larger States, and settling the principle of representation as it now stands in regard to the mixed population of the Southern States. This was intended and considered as equality. The limits of the then United States and their Territories were known, and the operation of the principle in respect to new States to be formed within those limits was understood and anticipated. But this balance, this equality, will be destroyed, should the same principle be extended beyond the Mississippi to an immense country beyond the range ever in the contemplation of the Convention. But, without pursuing this idea any further, I will here notice an argument, which, on a former occasion, has been used for admitting slaves into Missouri. It is said, that, by diffusing them over a larger surface than they now occupy, and transplanting them to this new country, their condition will be essentially ameliorated; and, if there be dangers arising from their increase in the Atlantic States, the method proposed will lessen or remove that danger. In answer to these reasons, let it be observed that there is sufficient room in the States beyond the moun-

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tains, and on this side of the Mississippi, for the purpose of diffusing the slaves; those States are rich in lands suited for cultivation by the labor of slaves, and furnish ample room for the surplus slave population of the old States. This process of removal and distribution would produce the intended amelioration, and lessen or banish the apprehension of danger, wherever it may exist. But, if we adopt and proceed upon the principle assumed by the opposers of the restriction, and permit the vast country beyond the Mississippi to be peopled by slaves, the market will be supplied in a small proportion only by the increase of the slave population of the existing States. No, sir; Africa will furnish most of those supplies, and, in defiance or evasion of all our laws, the wretched victims of cruel and unfeeling avarice will be introduced by thousands and tens of thousands to darken this region and live and die in slavery. And, even if this should not be the case, the time must come, and will come, when this species of population will be so abundant that in all parts of the country where slavery shall be permitted to exist, by its continual increase, it will produce the same surplus and same danger which are seen and apprehended in particular sections of the country. According to this theory, therefore, of ameliorating the slaves by spreading them over an extensive surface, the only effect is to postpone the evil day. How much better will it be, sir, to pursue a course of restriction and gradual emancipation, so that this evil day may never arrive.

I am sensible it is often urged that the contemplated prohibition will lessen the value of slaves and operate indirectly upon the rights of the proprietors, and to their prejudice. Suppose this to be true, the answer, I apprehend is as satisfactory as it is obvious. Sir, it can never be wise or correct legislation to authorize or permit the extension of an acknowledged public evil, for the sake of any private individual advantages. This would be contrary to the very principles on which our Government and all good Governments are founded—that is, the welfare and happiness of the great whole. We are continually witnessing the operation of this principle. In how many instances during the operation of our embargo laws and the restrictive system to which our Government thought it proper and necessary to resort, were the hopes, prospects, and property of individuals, sacrificed for the public good! How many hundreds were reduced to penury by the sudden derangement of all their mercantile concerns, or the perplexities in which they were involved! Yet, such effects as these, though certainly foreseen, never divert a Government from pursuing its proper course. And what shall we say of war? Congress has deemed it necessary, and may deem it so again, for the protection of our country's rights and honor. Still, it is a melancholy truth, that private losses and misfortunes are the certain consequences, and countless miseries are ever found in its train. All these, however, are deemed subordinate considerations in the midst of patriotic feelings, or are forgotten in the prospect of vindicated rights, success, and glory. And, while we are admiring the laurels of

the hero, we are unconscious that they may have been earned at the expense of the widow, the fatherless, and the broken-hearted—by the ruin of all their hopes.

But, Mr. President, there is another argument entitled to our respectful consideration, because it results from the course of conduct which Congress have pursued since 1808. They passed laws prohibiting the importation of slaves, as soon as the Constitutional restriction on their power was removed by lapse of time; and since then, there has been a laudable, continued, and united exertion to put an end to this infernal traffic, which the President, in his Message, has described as a disgrace to any civilized country. Laws have been multiplied; penalties increased in severity; the utmost vigilance enjoined on the officers of the Government and our public armed ships employed to give effect to these laws; and yet all these arrangements and exertions have proved ineffectual. Avarice and cruelty are busily engaged, and their arts are still successful. Slaves are still inhumanly hurried to our shores and fraudulently introduced into our States or Territories, notwithstanding all our endeavors to prevent it. This being the notorious fact, what is to be done? Congress have repeatedly given to this country and to the world pledges of their anxious wish and their determination to put down this scandalous violation of their laws. Let Congress, then, and our laws, be consistent. There is one way, and only one, in which we can accomplish the noble object in view; it is our duty to resort to it: shut up the market completely; prohibit slavery in all the States to be formed beyond the Mississippi; and the point will be soon gained. By removing the cause, we shall prevent the effect; by destroying the market, we can destroy the trade. The importer of slaves is actuated by an insatiable thirst for gain; totally regardless of all principle in accomplishing his designs. Let us meet him on his own ground, destroy all possibility of profit, and he will abandon his employment; at least we shall have expelled him from our shores, so that our own country will no longer be the scene of his abominations. Our Western States—Kentucky, Tennessee, Mississippi, and Alabama—can be amply supplied with slaves from those States bordering on the Atlantic; they need no supplies from abroad. As proof of this, I call the attention of the Senate to the unanimous voice of Congress, on various occasions, prohibiting the importation of slaves, and the readiness with which these prohibitory laws have been enacted. If further proof be necessary, the increase of the slave population in the old States, as shown by the census, will remove all doubt on this head.

Mr. President, much more might be urged in considering this question of expediency; but the subject is, in many respects, a delicate one. I therefore forbear; resolving never to pass those bounds which discretion and good feeling have prescribed, and which have, thus far during the debate, been respectfully observed by others.

It may be useful, however, to remark, generally, that throughout the civilized world we have evi-

dence of an unfeigned disposition to diffuse instruction among the uninformed, and by the offices of kindness, and the hopes and promises of religion, to increase the comforts and happiness of mankind. This mild and merciful disposition is displayed in our own country, in a manner interesting to the heart, and presents a strong inducement for Congress to join in every measure leading to such desirable results. But I fear, sir, I am trespassing too far on the time and patience of the Senate; the subject is important, and this is my apology. I will close in a few moments.

In virtue of the ordinance of 1787, as I before observed, Ohio, Indiana, and Illinois, were admitted into the Union, under an interdiction of slavery. Those States are fast rising into importance, peopled by hardy freemen, conscious of their situation, and congratulating themselves in being happily exempted from the operation of a principle which might essentially impair their strength and diminish their comforts. I doubt not, sir, that, if the people of those States were now to speak to us their opinions and feelings, they would add strength to the arguments which I have been urging. I go further: I have no question that, if the proposed amendment should be adopted, and Missouri commence her career of independence, under an inhibition of further slavery, within ten years from this time her people will rejoice in a retrospective view of the dangers they had escaped, and look forward with pride and confidence in the consciousness of their increasing prosperity. Nay, sir, I go further still: I believe that the millions who may hereafter inhabit our Western region, extending to the Pacific ocean, will feel and enjoy the same benign effects in their social and political relations, and that they, and successive generations after them, "will rise up and call us blessed."

When Mr. Mellen sat down—

Mr. EDWARDS, of Illinois, rose, and addressed the Chair as follows:

Mr. President: Having long been out of the habit of public speaking, and finding myself unable to command that composure of mind and self-possession which are so essential to the investigation of a subject as important as the one now under consideration, I should leave the discussion of it to gentlemen who are infinitely more competent to do justice to it, were it not that my silence might seem to sanction the imputation of an honorable gentleman who has thought proper to express the opinion that, by my vote of Friday last, which I thought it my duty to give, I had abandoned the interest of the non-slaveholding States of the West.

If such a suggestion be well founded, nothing can be more certain than that I have not been misled by personal considerations; for, my permanent residence and the most of my property being in one of those States, and holding a seat in this House by the kind partiality of the citizens thereof, which I have also often experienced on other occasions, and for which no one could be more thankful; I should be unjust to myself, ungrateful to them, and equally regardless of the dictates of interest and duty, were I not anxiously disposed to

promote the best interest of the State which I have the honor in part to represent.

Were I to consult my popularity only, I well know that it would be much easier to swim with than to resist, the present popular current, which threatens to overwhelm all opposition, and to deluge the non-slaveholding States of the West, with what I consider, with all due deference to the opinions of other gentlemen, political heresies, replete with mischiefs calculated to impair their present as well as future prosperity and happiness.

Sir, I love popularity so well that I would gladly retain it by the utmost devotion to the interests of my constituents; but I would far rather surrender all pretensions to it, than preserve it at the expense of my conscience. I respect public sentiment as much as any man, and should at all times derive the sincerest gratification from being able to discharge the trust confided to me in strict conformity with the wishes of those whom I have the honor to represent—but never can I consent to shelter myself even from the tempest and hurricane of popular excitement, by a violation of that Constitution which I, as well as the gentleman from New Hampshire, (Mr. MORRIL,) have solemnly sworn to support. But more of this by and by.

Were an attempt made to introduce slavery into the non-slaveholding States of the West, then, indeed, might there be just cause of alarm; and I can assure gentlemen that there is no man who would oppose such a proposition with more determined zeal than myself. But, taking for granted what I shall presently endeavor to prove, that neither the slaveholding States, nor any of us who oppose the proposed restriction upon Missouri, are influenced by a desire to increase slavery in the United States; and that the proposed restriction is not necessary to prevent, nor its omission calculated to augment, the importation of fresh slaves, it is inconceivable to me how the interest of the non-slaveholding States of the West can be compromised by the admission of domestic slaves into Missouri, more than to permit them to remain in the States where they now are; for, if that portion of political power which, under the Constitution, arises from the slavery that now exists, is to be deprecatd and dreaded at all, surely it cannot be worse for us in the hands of those whose identity of interest with ourselves affords additional security against its influence being exerted to our disadvantage. As yet, we have had no cause to regret that a portion of such power has been transferred from some of the Southern States to Kentucky and Tennessee, whose sympathies, friendship, and assistance, have never been withheld from us in the hour of need. Our experience, therefore, furnishes nothing to cause us to dread the influence of a similar transfer of power to Missouri.

For my part, considering every part of the Western country identified in interest, and that its domestic improvements, commercial prosperity, and political influence, cannot fail to be promoted by every increase of population, it does appear to me to be the interest of every State in the West,

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that fair and equal inducements to emigration thither should be afforded to the citizens of every section of the Union, whether slaveholding or non-slaveholding. But, in opposition to this very obvious policy, with an extent of territory greatly beyond the demands of every description of emigrants, and affording infinitely more than sufficient accommodation for all, without any necessity for collisions of interest, feelings, or prejudices, between them, we are called upon to check the emigration of our Southern brethren, by those who dread our growth, and would gladly put an entire stop to emigration from every other quarter. And thus are we invited to let lay waste and uninhabited an immense frontier of our country rather than permit it to be occupied by our Southern brethren, who certainly would not be less our friends by becoming our neighbors.

There are other considerations of vital importance to the Union in general, and to the Western country in particular, which I purposely forbear to press, because I do not wish to excite any unpleasant feelings, am anxious to cherish harmony, and most ardently hope that some compromise may take place which will satisfy the reasonable wishes of all parties.

Mr. President, in attempting to discuss the present proposition, it is not my purpose to advocate slavery in any shape, or to deny that, in its mildest form, it is equally inconsistent with the inherent rights of man, and repugnant to every principle of humanity and philanthropy. On the contrary, I rejoice most sincerely that an increasing sense of its moral injustice and turpitude, and the happy prevalence of more enlightened and unanimous views throughout every part of our common country, as well as in various other parts of the civilized world, are eliciting the most zealous efforts not only to prevent its extension, but to ameliorate its present condition, which, with the blessing of Divine Providence, I trust will, in due season, eventuate in its final extermination.

The present subject of discussion surely is not the expediency of increasing slavery in the United States by importations from Africa or elsewhere; nor is it a question of slavery or freedom: and it does not appear to me to be consistent with candor to attempt to give to it the imposing and delusive aspect of either. And how much soever such an artifice may be resorted to, in other places, for the purpose of rendering popular feelings and prejudices subservient to political views, I felicitate myself in the firm conviction that such unworthy motives can receive no countenance from this honorable body, and that every member of the Senate would disdain to impute to others sentiments which he does not believe them to entertain.

Were it, in fact, a question whether the further introduction of slavery into the United States, by importation from abroad, should be permitted, the universal abhorrence in which a practice so disgraceful to humanity is held by all classes of our fellow-citizens, and the cordial co-operation of gentlemen from every section of the Union, particularly at the last session of Congress, in measures to prohibit it, forbid the belief that such a

measure could find one advocate or friend in this House; nor can there be a doubt that we would all cheerfully unite in such farther legitimate means as experience may demonstrate to be necessary to render such prohibition complete and effectual, which I have no doubt is perfectly practicable.

All of us, therefore, entertaining the same abhorrence and repugnance to the further introduction and increase of slavery, the only point of difference between us relates to the slaves that are now among us; and, as it is conceded on all sides that Congress possess no power to abolish the slavery that now exists, it follows that the question of slavery or freedom is not involved in the present proposition, and that an opposition to the restriction that is attempted to be imposed upon the sovereignty and independence of a State, may well exist without any predilection for slavery; for, should our opposition prevail, the State, notwithstanding, like all others in this Union, would be left perfectly free to abolish slavery; and I am very ready to admit that she would consult her best interest by doing so.

I have, Mr. President, viewed, with feelings of the deepest regret, attempts that have been made to excite local and sectional jealousies, particularly against the slaveholding States, upon this subject, in their nature but too well calculated to sap the foundation of that spirit of conciliation which produced this great Confederacy, and to interrupt that social harmony and mutual friendship and confidence which are so essential to maintain and strengthen the bonds of our Union.

Experience teaches us that it is much more easy to produce popular discontent than to limit its operation and influence to the first exciting causes; and, if the proposed restriction upon Missouri is to be carried by arraying popular prejudices in hostility to one principle of compromise that contributed, in no small degree, to produce our present happy Union, is it not to be feared that it may be difficult to limit that hostility by any thing short of the power to assail that principle with success? And if an inequality in the apportionment of representatives in the other branch of the National Legislature, with a correspondent obligation to pay direct taxes in proportion thereto, is to be rendered obnoxious to our fellow-citizens, what security is there that the representation in this House, which, without any such correspondent obligation, and without regard to numbers, reduces the largest States in this Union to a level with the smallest, will share a better fate?

I confess, sir, that while I cannot perceive that the present subject of deliberation furnishes any adequate motives for those attempts at popular excitement, I cannot contemplate them without being penetrated with the most awful apprehensions for the fate of that fair fabric of our freedom which has hitherto been not more our boast than the admiration of the civilized world. Upon what ground, sir, are those jealousies of our brethren of the slaveholding States predicated? Take, for example, if you please, the case of Virginia, the largest of those States. Does she wish the exten-

sion of slavery? Let her known conduct decide. While yet a colony of Great Britain, she distinguished herself pre-eminently by a noble, magnanimous, and persevering stand against it, and enumerated its toleration in the list of grievances, of which she so forcibly and eloquently complained against the mother country. True to the principles she professed, she was the first State in the Union to set the example of efficient opposition to a traffic in human flesh, so disgraceful to our country, and so abhorrent to the principles for which we ourselves contended, by passing a law to prohibit it by severe penalties, as early as the year 1778, in which she has steadfastly persevered from that time to the present day; nor has she ever, on any occasion, been less prompt in assisting to interpose the shield of federal authority to protect the devoted sons of Africa from such ruthless oppression.

Having thus, by the most unequivocal acts, so demonstrated the sincerity of her professions upon this subject, as to extort the highest commendation from the most distinguished advocates of the proposed restriction; and deploring, as she must do, the evils of slavery, what reason have we to suppose that she is now disposed to relinquish those principles, and abandon a policy which, to her honor, she has for such a series of years, pursued with inflexible perseverance, and the wisdom of which is daily more and more developed? No, sir, depend on it, Virginia knows too well what she owes to her own character ever to descend from the proud pre-eminence which she has acquired upon this subject.

The rest of the slaveholding States have also given such proofs of their decided hostility to the further introduction of slavery among us, as to leave no ground for even the affectation of incredulity upon the subject.

As, then, those States, equally with ourselves, are opposed to the further increase of slavery in the United States, so, with them as with us, the only subject of controversy which the proposed restriction presents, relates exclusively to the slaves that are now among them. And can they have any motives for opposing that restriction which are not truly national, and strictly compatible with the principles of our Confederation? If they had heretofore desired to increase their political power and aggrandize themselves upon the basis of a slave population, would they themselves have voluntarily inhibited the importation of slaves, and united in every means which the wisdom of the national councils has yet been able to devise for its prevention? Were they now even tenacious of that proportion of political power which they derive from the slavery that exists among them, would they be the advocates of a measure calculated to diminish that power, by its tendency to abstract from them, and transfer to a different and distant section of the Union, a large portion of their slaves? And let it be remembered that, to impute to them a desire merely to diminish the number of their slaves, is to admit the most conclusive evidence of their opposition to the increase of slavery, which is the point I have endeavored to maintain.

So far, therefore, from those States being actu-

ated by the motives which, for particular purposes have been attributed to them, it must be evident that the principles for which they contend are calculated not only to diminish the power of their respective States, but to promote the abolition of slavery itself; for, in proportion as you permit the slaves now among us to be dispersed, so do you diminish their relative numbers to the white population in any one State, and to that extent, at least, increase their chances of emancipation, as is evinced by the experience of Massachusetts, New York, Pennsylvania, New Jersey, Delaware, &c., and which is also conceded by the supposition that the prohibition of the further admission of slaves into Missouri would be favorable to the emancipation of those who are now there, which seems to be a favorite sentiment with a gentleman (Mr. KING, of New York,) of pre-eminent talents, who has distinguished himself by his zealous and able support of the proposed restriction, and who admits that a disposition more favorable to emancipation is gaining ground in the States where slavery exists; that the disproportionate increase of free people of color can be accounted for upon no other supposition; and that, whatever would tend to provide more satisfactorily for the comfort and morals of emancipated slaves, would increase the practice of emancipation; to all which I yield the most hearty concurrence.

It cannot, however, be denied that the difficulties and dangers attendant upon emancipation, in any State, must be in proportion to the number of slaves therein; and it is well known that several of the States have considered emancipation so incompatible with their domestic safety and tranquillity, as to feel the necessity of absolutely prohibiting it, which is a policy that it is not presumable they will abandon. While, therefore, confining the slaves to those States, is calculated to render their bondage perpetual, it must be acknowledged that their dispersion into different sections of the Union would remove many of the most important objections to emancipation, at the same time that it would increase the means of providing more satisfactorily for the comfort and morals of those unhappy beings, and would cherish, by rendering more availing, that increasing disposition to emancipation which imparts so much consolation to every true philanthropist.

The honorable gentleman from New Hampshire, (Mr. MORRIL,) whose eloquent denunciations of slavery we heard on yesterday, and who betrayed its evils and injustice in the most appalling colors, supports the proposed restriction on the ground that, if those unhappy victims of oppression were permitted to be carried to Missouri, their natural increase would be greater, in consequence, I suppose, of the amelioration of their condition, and the multiplication of their comforts. But, without pretending to analyze that species of philanthropy which would seek to terminate oppression by the destruction of the oppressed—or that bleeds for suffering humanity, and yet recoils at any alleviation of such suffering, I beg leave to express my doubts whether there are any known facts that will justify the gentleman's hypothesis itself.

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It is readily admitted, that the condition of the slaves in the West would be improved, but at a time when, as all sides admit, the influence of our free institutions and the progress of public sentiment have contributed, in an eminent degree, to mitigate the rigors of slavery in all parts of our country where it exists, it is hardly to be presumed that the difference of the treatment of slaves in the Western and Atlantic States would be such as to produce any material difference in their natural increase. Not only would the obvious interest of the Atlantic slaveholders forbid the practice of that severe and cruel treatment that would be necessary to produce such a result, but the abundance of subsistence which every part of our country affords, and the well-established fact, that slaves increase faster than the white population in slaveholding States, or free people of color anywhere, altogether negative such a supposition. Nor is it better supported by any calculation upon the relative increase of slave population in the Atlantic or Western States, which make due allowances for the effects of emigration upon the latter.

But, were it otherwise, as it is fully demonstrated by undeniable documents, that free people of color do not increase by procreation as fast as slaves, and as the dispersion of the latter over a greater surface would, under existing circumstances, multiply their chances of freedom, it is but reasonable to suppose that, upon the whole, it would not only tend eventually to diminish slavery, but to check the increase of our black population generally.

But, sir, the honorable gentleman from Massachusetts, (Mr. Mellen,) who has just resumed his seat, assuming the ground that wherever a market for domestic slaves exists, the introduction of foreign slaves cannot be prevented, has contended that, if the proposed restriction should not prevail, African slaves will be introduced into Missouri. In support of which, great reliance has been placed upon a few cases, much magnified, however, of their unlawful introduction into certain parts of our country, which were principally, if not exclusively, attributable to causes merely temporary.

In opposition to the conclusions he has drawn from a special case, we may with propriety recur to facts and experience, better calculated to test the correctness of his general proposition. It will not, I presume, be denied, that as good a market for domestic slaves as is ever likely to recur has existed in Delaware, Maryland, Virginia, North Carolina, &c. where facilities of introducing foreign slaves are as great as could be desired; and yet it is believed that the experience of those States furnishes nothing to justify the inferences that have been so confidently insisted upon, or, at most, nothing more than a mere apology for such inferences.

Cases, however, more analogous in all their circumstances to that of Missouri, as far as experience can be relied upon, are ample refutation of the argument I am endeavoring to combat. Slavery has never been prohibited in Kentucky or Tennessee, where slaves have been in constant demand; and yet, although I have lived many years in the

former, and have long been intimately acquainted with both, I have never heard of the introduction of a single African into either contrary to law; and hence I think it fair to infer that either the practice has never prevailed in those States, or that the instances of it have been so rare as rather to demonstrate the efficiency of the law to prohibit it than to justify the apprehensions which the honorable gentleman seems to entertain.

These are Western States, in the proximity of Missouri, nearer, however, to the ocean, and possessing equal facilities at least for the introduction of foreign slaves. And if, with a constant market for slaves, offering the most seducing temptations to avarice and cupidity, either very few or no violations of the law, upon that subject, have heretofore occurred in those States, is it reasonable to suppose, or does any gentleman really believe, that the proposed restriction would materially affect the number of Africans that by possibility may be smuggled into the United States?

It cannot be denied that public sentiment has been progressive upon this subject. It is admitted by the friends of the restriction upon Missouri, that the evils of slavery have been so constantly unfolding themselves as to cause it to be more and more deplored even in the States where it exists, and that an abhorrence of the practice is gaining ground in every part of our own country; and hence I should infer that we have more reason to hope for a diminution of the evil than cause to dread its increase, even if the prohibition of the importation of slaves were left to depend upon the law that existed previous to the last session of Congress. But, seeing that nearly all Europe, animated by more just and enlightened views and generous feelings, is endeavoring to extirpate that nefarious traffic, and, having imparted additional energies to our own laws for the same purpose, I flatter myself that, with additional aid of public sentiment in favor of those measures, the danger of introducing Africans into Missouri is not only less than it has been, in relation to Kentucky and Tennessee, but that it is wholly chimerical and visionary.

Upon this view of the subject, it does appear to me that we, who, on the present occasion, are the advocates of State rights, cannot, with any kind of fairness, be charged with either a desire to increase slavery, or with any predilection for that which exists. And if the proposed restriction is not necessary to prevent the importation of foreign slaves, it follows that the admission of slavery into Missouri is neither calculated to abridge the power of the non-slaveholding States, nor to increase that inequality in the apportionment of representation which depends upon our slave population; for, whether those slaves be in Georgia or Missouri, they must be included in the apportionment of representation, and whatever power they might confer upon Missouri, would be just so much abstracted from the States whence they came. And, as an inequality of representation thus produced must necessarily prevail so long as the Constitution remains unaltered, I am constrained to believe that the transfer of a portion of that ad-

vantage to Missouri would be as harmless, at least to the non-slaveholding States of the West, as to let it remain consolidated with all its influence on this side of the Alleghany. And, indeed, although I should greatly regret to see the State which I have the honor in part to represent participate in it, yet it does appear to me that the more it is divided (without increasing it) among those States that wish to receive it, the less will be its evils, and the greater the facility and certainty of controlling any sinister influence which it might produce.

Mr. E. remarked, that, having endeavored so far to strip the subject of the artifices with which it had most dexterously been clothed, he would next proceed to submit to the Senate the reasons which induced him to believe that the proposed restriction could not be imposed upon Missouri without a violation of the Constitution. He had, however, made but a few remarks upon this branch of the subject, when he observed that he found speaking so painful, in consequence of a very sore throat, with which he had for some time past been afflicted, that it was impossible for him, at that time, to proceed; and expressing a wish to have the indulgence of the Senate at a future day, he resumed his seat.

Mr. LEAKE, of Mississippi, then rose and said, when he considered the vast importance of the subject now under consideration, it was with great diffidence he arose to address the Senate; but it was the importance of the subject, together with his having been one of the committee to whom it had been referred, which induced him to be unwilling to give a silent vote.

He said he did not intend to go into a lengthy discussion of the subject; he should only touch upon some of the principal points which had been relied on by honorable gentlemen who were in favor of the restriction proposed by the amendment introduced by the honorable gentleman from Pennsylvania (Mr. ROBERTS.)

Sir, said Mr. L. we have been told by some honorable gentlemen, that the power to impose this restriction is derived from the first clause of the 3d section of the 4th article of the Constitution of the United States. "New States may be admitted by the Congress into this Union," &c. That, as we may admit them, we may also refuse to admit them, unless they will submit to such terms as we may, in the exercise of our discretion, think proper to impose. Sir, said Mr. L., I had always supposed that in the exercise of this power, to "admit new States into this Union," it was only necessary to inquire, first, what are the claims which the people who petition to be thus admitted have on the Congress for such admission? Whether their numbers, their increasing population, and the extent of territory which they inhabit, will justify their admission? If in all these respects you find them duly qualified, and you should deem it expedient to admit them; then the next inquiry is, what is a State within the meaning of the Constitution of the United States? I need not tell the Senate, said Mr. L., that States in different parts of the world mean different things; we all know that a State, separate and uncon-

nected with any other State, means a sovereign independent Power, possessing absolute, unconditional and unlimited authority; and according to the distribution of that power, is the character of the State known. If the whole is lodged in a single individual, it is then an absolute despotism; if it be divided into different branches, and the authority divided between them, it is a limited government; and whether it is a limited monarchy, or a republic, will depend upon the duration in office, the mode of coming into office, and the source from whence the power emanates. And when a number of sovereign States connect themselves together in a confederacy, and by their compact yield to their federal government a portion of their sovereignty, in order that that government may be enabled to protect the confederation, those States then become limited sovereignties, and that portion of sovereign power which each State has a right to exercise, depends upon the powers they have delegated to the federal government by their compact, and upon the restraints which they have submitted to have imposed upon them by it.

Such are these United States, and such must be the condition of the new States which may be "admitted by the Congress into this Union."

Then, sir, said Mr. L., it is only necessary to recur to the Constitution of the United States, which is the compact between the States and the people on the one part, and the Federal Government on the other part, in order to ascertain the powers which have been delegated to the Congress on the one hand, and what restraints have been laid upon the States on the other.

By the 8th section of the 1st article of the Constitution, the powers which are delegated to the Congress, are all enumerated, but no power can there be found to authorize the Congress to make or regulate the municipal and local concerns of the States. And in the 10th section of the same article, we find all the restraints which are imposed upon the State sovereignties. The section provides that,

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

"No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports and exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

"No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into agreement, or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Thus we see that although the States in this Union have yielded up a great and very important portion of their sovereignty, yet they have not

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yielded up the right to make their own local and municipal regulations, and they still possess the right to regulate their own property as well as that of their own citizens; for, by the 10th article of the amendments of the Constitution, it is provided that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

And as to the particular species of property which is the subject of the present discussion, while the Constitution has been silent with respect to other property, it has clearly recognised this; by the 3d clause of the 2d section of the 4th article of the Constitution, it is provided, that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Mr. President, from this view of the Constitution, I conclude, that a State, within the meaning of the Constitution, is a limited sovereignty, by virtue of the compact; yet, retaining all the attributes of sovereignty, which are not delegated by the Constitution to the United States, nor prohibited by it to the States. Then, sir, the power to hold, possess, and regulate this property, has not been delegated to the United States, nor prohibited to the States; then a State, within the meaning of the Constitution, possesses the sole control over it, and the United States possess none. And, sir, a State, within the meaning of the Constitution, is the same thing, whether one of the old thirteen, or one admitted since, or one which is hereafter to be admitted.

The treaty between the United States and France, by which we acquired Louisiana, has provided, that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

From this clause of the treaty, then, said Mr. L., you cannot impose any restraint upon Missouri which you cannot impose upon a State; because, as the treaty guarantees all the rights, advantages, and immunities of the citizens of the United States, one of those rights, &c., is the right to form a Constitution for themselves, upon republican principles; after which they have a right to exercise all the attributes of sovereignty which are not delegated by the Constitution to the United States, nor prohibited by it to the States.

But, Mr. President, some honorable gentlemen contend that the right to impose this restriction on Missouri is derived from the 9th section of the 1st article of the Constitution. The first clause of that section provides, that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall

'not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." It is contended that the word "migration" means the carrying slaves from one State to another; and that "importation" means bringing them from abroad or over the sea. Sir, I cannot subscribe to this interpretation of the word "migration," but, on the contrary, I must believe that it means the coming of free foreigners to the States. I concur entirely with the honorable gentleman from Georgia (Mr. ELLIOT) in the definition which he gave, the other day, of this word, that it means the voluntary coming of a free person, acting according to his own volition. And as Congress possessed the power to establish a uniform rule of naturalization, they might think proper to inhibit the migration of such foreigners as they are unwilling to naturalize; and, as the Congress have the power to regulate commerce, they have the power to inhibit the importation of slaves, which were imported as articles of commerce. And I admit, with the honorable gentlemen who support the proposition to restrict Missouri, that this clause in the Constitution has relation only to the States then existing; and it was inserted in the Constitution because some of the States then existing were unwilling that the migration of foreigners, or the importation of slaves, should be interdicted until the year 1808.

But, Mr. President, I do not consider it of any importance in the present discussion, what interpretation shall be given to the words "migration" and "importation;" since the clause in the Constitution, in which they have been used, has no longer any force or effect. By turning to this clause, it will be perceived, that it makes no grant of power, nor does it enlarge any power before granted, but, on the contrary, it restricts them; it restrains the Congress from prohibiting the migration or importation of such persons as any of the States then existing might think proper to admit, until a given period; the restraint then operating no longer than the year 1808, expires by its own limitation, and having performed its office, becomes *functus officio*. The power of the Congress, then, to impose this restriction on Missouri, cannot be derived from that clause.

Mr. L. said, some honorable gentlemen seem to think that the power of Congress to impose this restriction on Missouri is derived from the 2d clause of the 3d section of the 4th article of the Constitution, which is in these words: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice the claims of the United States, or of any particular State."

Mr. President, so far as I am able to judge of the meaning of this clause of the Constitution, the needful rules and regulations which the Congress are, by it, authorized to make, relate to the territory itself, that is, the domain, the land, the actual soil belonging to the United States; and not the inhabitants of the territory. Sir, the Congress may

dispose of—dispose of what? of the territory or other property; not the inhabitants of that territory. The Congress may make all needful rules and regulations respecting the territory, or other property of the United States. Sir, the word "territory," being immediately followed by the words, "or other property," proves, satisfactorily, to my mind, that the word "territory" was there intended to mean, the domain, which the Congress may dispose of by sale or otherwise, and may make such needful regulations respecting its protection from waste or other injury, and to preserve their rights to it unimpaired.

It is not from the power to make all such needful rules, &c., that the Congress derives the right to establish a temporary government for the inhabitants of a territory; it is from the last clause of the 8th section of the 1st article that this power is derived; by it the Congress has the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof."

Sir, said Mr. L., we have already seen that the Congress has a right to dispose of, by sale or otherwise, the territory which is the land of the United States. But a sale cannot be effected without purchasers; no person will purchase unless he can be protected in his person and his property. Hence, in order to effect a sale of the public lands, the Congress has the power "to make all laws which shall be necessary and proper" to protect the purchasers in the enjoyment of their lives, liberty, and property; and this can only be done by establishing a system of Government for them, until their numbers entitle them to a claim for admission into this Union, upon an equal footing, in all respects whatever, with the original States; after which, when the Congress deems it expedient to admit them as such, it is then no longer "necessary or proper" for the Congress to make laws for their government, and of course the power of the Congress to make these laws ceases to exist.

But it has been said, that the bill on your table, which has been reported by the committee, already contains a number of restrictions; and, it is asked, why not impose this restriction, as well as those which have been reported by the committee? Sir, said Mr. L., those restrictions are warranted by the Constitution: they relate to the public lands, and the Congress have a right to make all needful rules and regulations respecting the territory (which is the public land) or other property of the United States. One of these restrictions, for instance, is, that the proposed State of Missouri shall not tax the land of the United States until five years after it shall have been sold. The reason of this restriction is very obvious: the United States have a lien on the land for five years after it shall have been sold, and at the end of that term, if the purchase money shall not have been paid, the land may again be sold for the purpose of raising the money which may be due thereon; and if it will not sell for as much money as is due, the land then reverts to the United States, and the payments which had before

been made, are then forfeited to the United States. It is, then, competent for the Congress to impose that restriction, because, to preserve the public land, is "to make a needful rule or regulation respecting it." But even that restriction is, in my opinion, altogether unnecessary and useless; because, merely admitting a new State into this Union, would give it no control over the land or other property of the United States; for "nothing in the Constitution shall be so construed as to pre-judice any claims of the United States, or of any particular State." But, as many suppose it is necessary to impose such a restriction, and as the Congress clearly have the right to preserve and protect the land and other property of the United States, there is no want of power in the Congress to impose it; it has, therefore, out of abundant caution, been inserted. Thus, sir, said Mr. L., I have just touched some of what I deemed to be the principal points involved in this debate. Much more might be said: it could easily be shown that none of the States heretofore admitted into this Union have been restricted, with respect to slavery; that that subject has been decided by the majorities of the conventions of those States; and that the constitutions of the States which have already been admitted, are, in many important respects, totally inconsistent with the ordinance of 1787; but I shall content myself by leaving that subject to others.

When Mr. LEAKE concluded, the Senate adjourned.

THURSDAY, January 20.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Bowie and Kurtz and others, made a report, accompanied by a resolution that a bill be reported appropriating — dollars for the relief of the petitioners. The report and resolution were read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Samuel F. Hooker, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. SANFORD presented the petition of George Mayfield, of Tennessee, praying to be confirmed in a grant of land made to him by the Creek Indians, as stated in the petition; which was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee of Finance, upon the petition of Henry Ingraham, Robert Hazlehurst, and William Smith, jr.; and, in concurrence therewith, the petitioners had leave to withdraw their petition.

The Senate resumed the consideration of the report of the Committee on Public Lands, upon the petition of Rhoda Crawford; and, in concurrence therewith, resolved that said committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition.

The Senate resumed the consideration of the report of the Committee on Pensions upon the

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petition of John Williamson, praying a pension; and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The bill for the relief of Mark Richards was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d March, 1817; and the blank having been filled with *five*, on motion by Mr. EATON, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a district court in the State of Alabama; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of United States' infantry;" and, on motion by Mr. ROBERTS, the further consideration thereof was further postponed until next Monday week.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the admission of the State of Maine into the Union," together with the amendments reported thereto by the Committee on the Judiciary, and the amendment proposed by Mr. ROBERTS.

Mr. LOWRIE, of Pennsylvania, observed, that so much had been said, and so much had been written, on this subject, it was extremely difficult to say any thing farther that would have any claim to originality; that it was almost impossible to support an argument on either side, without repeating some things which had already been said. This he would endeavor to avoid, and, as the Senate must be, in some measure, weary of the debate, he would treat the question with all the brevity of which he was capable.

In this discussion, it is impossible not to advert to the following maxims, which may properly be called first principles:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that amongst these are, life, liberty, and the pursuit of happiness."

"He that made the world, and all things therein, hath made of one blood all the nations of man."

There is no excuse for hereditary slavery, except self-preservation—beyond this it dwindles into mere farce.

It is not among the natural rights of man to enslave his fellow man.

Slavery is of such a nature, it must take its rise from positive law.

These principles, as abstract truths, are not generally denied. How far they have a bearing on this subject, is a question I will not, said Mr. L., at this moment, take up. I now merely bring them into view; I will advert to them in another part of this argument.

The first question which meets us at the threshold is—have Congress the right to propose to the State of Missouri the restriction contained in the amendment? Before disposing of this inquiry, permit me to say a word on State sovereignties. I, for one, Mr. President, cherish the idea, believing that our political salvation depends upon it; that a consolidation of this extended empire must end in the worst kind of despotism.

The people of the United States, in forming a Government for themselves, established a complex system. The Government of the Union flows as directly from the people as does the government of any of the States. The circumstance that the delegates who formed the present Constitution, were appointed by the State Legislatures, does not detract from this idea; because the instrument was afterwards submitted to the people, and had it not been approved by them, it would have had no more authority than the sweeping of your floor. The Government of the United States, though limited in its powers, is supreme within the proper sphere of its action. The respective Governments of the United States and of the several States are sovereign within their proper spheres, and no farther. Hence it follows, that the States are limited sovereignties. It follows, also, that the right to admit new States, being within the sphere of the General Government, is a right which, to that Government, is perfect. Every gentleman who hears me, knows that these are not new principles; that they have been laid down and acted on by some of our ablest and wisest statesmen.

In the Constitution it is provided that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax," &c. In this debate it seems generally to be admitted, by gentlemen on the opposite side, that these two words are not synonymous; but what their meaning is, they are not so well agreed. One gentleman tells us, it was intended to prevent slaves from being brought in by land; another gentleman says, it was intended to restrain Congress from interfering with emigration from Europe.

These constructions cannot both be right. The gentlemen who have preceded me on the same side, have advanced a number of pertinent arguments to settle the proper meaning of these words. I, sir, shall not repeat them. Indeed, to me, there is nothing more dry or uninteresting, than discussions to explain the meaning of single words. In the present case, I will only refer to the authority of Mr. Madison and Judge Wilson, who were both members of the Convention, and who gave their construction to these words, long before this question was agitated. Mr. Madison observes, that, to

say this clause was intended to prevent emigration, does not deserve an answer. And Judge Wilson says, expressly, it was intended to place the new States under the control of Congress, as to the introduction of slaves. The opinion of this latter gentleman is entitled to peculiar weight. After the Convention had labored for weeks on the subject of representation and direct taxes—when those great men were like to separate without obtaining their object, Judge Wilson submitted the provision on this subject, which now stands as a part of your Constitution. Sir, there is no man, from any part of the nation, who understood the system of our Government better than him; not even excepting Virginia, from whence the gentleman from Georgia (Mr. WALKER,) tells us, we have all our great men. But, sir, for all the purposes of my argument, I consider this provision of the Constitution as an out-post; and, as I do not intend to rely upon it, gentlemen may have it as a free gift.

In the Constitution it is further provided, that "the Congress shall have power to dispose of, and 'make all needful rules and regulations respecting, 'the territory or other property belonging to the 'United States.'" From the commencement of the Government until lately, this provision of the Constitution received but one construction. In pursuance of this authority, Congress proceeded to regulate the government of the respective territories, until from time to time they were admitted into the Union. In pursuance of this provision, the first Congress sanctioned the ordinance of 1787, which some writers affect to call a usurpation. But another construction is now given. It is said that Congress have power only to dispose of the soil, as they would of the other property of the United States. This construction appears to me to involve an inconsistency, to which gentlemen who make it have not perhaps attended. To dispose of the soil, pre-supposes a Government to regulate the inhabitants. If this Government be not established by the United States, it must be established by themselves. Suppose that a large colony had purchased one of your territories. You have disposed of the soil, and your power then ceases; they may or they may not acknowledge your authority; they may, if they choose, establish a monarchy. These discordant principles cannot be admitted to flow from the Constitution of the United States. The truth is, Mr. President, that the power to dispose of and make all needful rules and regulations for the territories, and the power to admit new States into this Union, have been given, by the people of the United States, to Congress. They are powers of the General Government within the proper sphere of its action, and, of course sovereign and supreme. This Government, for the period of thirty years, by its acts, has sanctioned the construction contended for. Territories have been nurtured and protected through their infancy and youth, until, arriving at a proper age, they were admitted into the family of the Republic.

With respect to Louisiana, and the Territories of Arkansas and Missouri, including the whole coun-

try claimed by the United States, west of the Mississippi, besides the right given by the Constitution, Congress have another superadded, which, although different, is not discordant. France received this district of country from Spain, and ceded the same to the United States, in "full sovereignty." Our title, therefore, to this territory, is perfect and complete. Congress have the same sovereign right to make any provisions, laws, or regulations, which France could have made, had this territory still remained under her jurisdiction. In that case, it will scarcely be contended that France would not have had the right to inhibit the further introduction of slavery. Suppose that the territory of Missouri were now under France, and that the inhabitants had requested of the French Government the privilege of becoming one of the United States; in giving her consent, France could have said, you may become one of those States, on condition that you abolish slavery. In this case, it would have been perfectly competent for France to have proposed this condition. So can the United States: because we have the same sovereignty here that France ever had.

These principles are so plain, it is difficult to illustrate them farther; but let us take the cases of two provinces held by different Powers, the one to the North, and the other to the South. Suppose that Canada were to apply to the British Government for liberty to join the American Republics, that Government could say to her, you may have your wish on condition that you abolish your established religion, and your system of villainage; make these fundamental articles of your constitution, and if Congress will consent, you may become one of them. Let us suppose, further, that the twenty years' war which, with pen and ink, we have waged with the Government of Spain, were now to take another direction, and that the inhabitants of Florida were to request His Most Catholic Majesty's permission to join our family. That permission might be granted on any conditions not repugnant to the Constitution of the United States; and, if agreed to by them, and by the Congress, would be binding, and could not be rescinded without a breach of good faith.

Mr. President, if we examine the history of the new States which have been admitted into this Union, we will find that none of them were admitted without conditions, which were to become fundamental articles, irrevocable without the consent of both parties. The cases of Kentucky and Vermont are not exceptions, although they have generally been so considered. Kentucky was formed from the territory belonging to Virginia, and a number of conditions were imposed by the one State, and agreed to by the other, which to this day are binding.

Vermont was not like any of the other States. Her history is briefly this: The territory was claimed both by New York and New Hampshire. In 1761-2, New Hampshire granted one hundred and thirty-eight townships west of the Connecticut river. New York became alarmed at this proceeding, applied for the territory to the British

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Government, and obtained a decision in her favor. She then endeavored to dispossess the settlers who claimed under the New Hampshire grants. But her authority was resisted on the part of Vermont, and for twenty-six years this new State maintained her ground. In this contest, the Old Congress pursued an undecided course. In the meantime, Vermont declared itself independent, and so continued till the year 1789, when commissioners were appointed by this State and by New York, who finally agreed that Vermont should be admitted into the Union on two conditions: the one related to her boundaries, and the other required the payment of \$30,000 to New York within four years from that period.

Mr. L. observed, that the whole discussion was upon a dry subject, and that this part of it was peculiarly so. I will, therefore, sir, pass over the conditions imposed on the other States. It is the less necessary that I should mention them, as other gentlemen have brought the most of them into view already. Let me observe, however, that, in the nine new States, there are seventeen distinct conditions attached, not one of which is applied to the old thirteen States. The new States are restricted in their taxes; they are restricted from touching the right of the soil; they are restricted in their highways and navigable streams of water; and three of them, which at no distant day will be three of the brightest stars in our political constellation, are restricted as to slavery. Take the constitution of Maine; restrictions are there imposed by Massachusetts. Nay, more, sir, look at the amendment reported by the honorable chairman of the Judiciary Committee, and even to Missouri, this favorite child, we find restrictions. It is true, these restrictions are placed in the bill under the cover of provisos; so, let me tell gentlemen, is the restriction offered as an amendment by my colleague. Our right is admitted to impose one restriction; but to impose another restriction, not involving the necessity of a greater or higher degree of sovereignty, the right is denied. We have called on gentlemen to reconcile these views; much was expected from their talents, but to perform impossibilities is beyond their reach.

The obligation imposed upon this Government by the treaty of cession has been much relied upon. It is said we are all bound to admit Missouri, and that upon her own terms; that, in her case, we have no discretion. Mr. President, it is a sufficient answer to say, that the treaty-making power cannot control the genius of the Constitution. New States *may* be admitted, are the words of this instrument. Sir, it never was in the contemplation of the people, when they passed upon this provision, to suppose that the President and two-thirds of the Senate could change its import. If gentlemen will still contend that the treaty differs from the Constitution, they must be told that, as far as that is the case, the treaty itself is a nullity.

It is further said, that the treaty guaranties their property to all the inhabitants of Missouri, and that this property embraces slaves. At the date of this treaty of cession almost the whole of this territory was a wilderness, and a large portion of it is still

a wilderness. Admitting for a moment that slaves are property, it must be proved that any others, besides those there at the date of the treaty, were intended to be embraced by its provisions. This cannot be shown. The inhabitants then there were the parties we admit to this treaty; and, whatever may have been their rights or their property, they are not touched by this amendment. But farther proof is still wanted, because it is denied that the word *property*, in this treaty, means slaves. Here I ask no rule of construction that is foreign to the subject. Apply to the writers on the law of nations; let them pass upon these words; try them by the principles of the Constitution; submit them to the test of reason; there all speak the same language; they tell you that *slaves* and *property* are not convertible terms. In the history of our Government we have a case fully in point: When Virginia ceded the Northwestern territory to Congress, it was on condition that it should become members of the Federal Union, and have the same rights, sovereignty, freedom, and independence, as the other States. This language is as strong as that of the treaty with France; neither can it be denied that, at the time Virginia made this cession, there were in this territory a number of inhabitants professing to be her citizens, and owning slaves.

Congress, with the knowledge of these facts, and the deed of cession before them, passed the ordinance of 1787, by which slavery was banished from this fair portion of our territory. This ordinance was sanctioned by the First Congress; it has been interwoven in the constitution of many of the States; even at the present session, in the admission of the State of Alabama into the Union, it is distinctly recognised. Thus, in a case perfectly analogous, we have a legislative sanction, descending from the First Congress, through many of the intermediate ones, down to the present, which completely covers the ground I have taken. With this example before us, I hazard nothing in asserting that, if Congress had extended the ordinance of 1787 to the territory of Louisiana, excepting from its provisions the slaves then there, this obligation of the treaty would have been fulfilled in good faith.

I will now, Mr. President, said Mr. L., say a few words on the policy of adopting the proposed restriction. We were told the other day by an honorable member from North Carolina, (Mr. Macon,) that we knew nothing about this question, however much we might be disposed to philosophise on the subject. Sir, the experience and integrity of that gentleman have gained him my entire confidence. Although this assertion was not accompanied by any facts or reasoning, it led me to examine anew every principle relating to the policy of this measure. I have also attended to all that has been said against the policy of adopting this restriction, but I have yet found nothing to shake my first convictions on the subject.

It has not been pretended—it cannot be pretended—that the toleration of slavery is necessary for the self-preservation of the people of Missouri. This being the case, the first principles I have al-

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ready brought into view bear with their undivided weight upon the question. The gentlemen tell us that slavery is an evil—on this floor they have lamented its existence; and yet, strange as it may seem, they, almost in the same breath, contend for the expediency of extending this evil to the peaceful region west of the Mississippi!

Humanity to the slaves themselves, it is said, requires the rejection of this amendment. Sir, how is the matter of fact on this point? Let us suppose that one hundred families, with each ten slaves, are about to emigrate to Missouri. Every gentleman here knows the situation of this class of our population—the husband is in one family, the wife in another, the children in another. In removing, no respect to these relations can be paid—all must be disregarded; the husband and the wife must part, to meet no more; the father is dragged away, and the mother and the children left, or they are taken, and he by force is compelled to stay behind; or, if he escape after them, he is pursued, bound, and brought back. This, sir, is not fancy; these scenes, but a few months ago, I witnessed in person, amongst emigrants going to this said Missouri. Our humanity may be called sickly, but it gives no sanction to scenes like these.

The gentleman from Illinois, (Mr. EDWARDS,) with great apparent force of reasoning, has endeavored to prove that, by opening the extensive regions of the West to the introduction of slaves, nothing is thereby done to spread slavery; that, whether they are admitted west of the Mississippi or not, the number remains the same. I presume, sir, that every gentleman here has paid some attention to the principle which governs the population of the human race. It is capable of demonstration, that the population increases faster than the means of subsistence; the one increases in a geometrical, the other in an arithmetical progression. The spring which causes one thousand to double their number in a given time, will cause a thousand millions to double in the same time; in other words, the capability of increase is not affected by the size of the number. Take, for example, an island containing ten thousand farms, of one hundred acres each; let it be supposed that there is an inhabitant for each farm, and that they double their number every twenty-five years. In one hundred and forty years there would be more inhabitants than acres, and at the end of the third century there would be above three hundred inhabitants for every acre. But the impossibility of supporting that number on the given territory would keep the inhabitants down to the level of the food. The principles which govern, in the supposed case of this island, will govern in the case of a nation or of the world. In every nation the population presses more or less against the means of subsistence, and, from its very nature, must continue to do so, until the end of time.

Apply these principles to the case before us, and what becomes of the gentleman's argument? Seventy years ago the penetrating mind of Dr. Franklin discovered this principle. Go, says he, to Africa, and see if you can discover the gap from whence the negroes have come, that have blackened

half America, the West Indies, and many other places! Such will be the case at no distant day, if the policy advocated by gentlemen is now to prevail. A single century will not have elapsed, until the question may be asked: Where is the gap in any of the slaveholding States from whence have come the slaves, that, from the banks of the Mississippi to the Rocky mountains, have blackened the whole region of the West? Sir, that opening never will be found, because it never will exist. The spring of population will always keep the number full. A market extended as the forests of your Western regions, is thus opened for the sale of human flesh. Every inducement which avarice or the insatiable love of gain could desire, is held out to the slaveholder to increase the number of his slaves. Under such inducements this class of population will increase with a rapidity heretofore unknown. Even at the rate of increase from 1800 to 1810, in a single century there will be upwards of twenty-seven millions of slaves in the United States. This single fact, founded as it is on arithmetical certainty, is sufficiently alarming; but, sir, it points you to a very different policy than the one contended for by the honorable members on the other side.

Mr. President, the whole force of the observations of gentlemen seems to turn on the necessity of an outlet. In other words, give them a market for this species of property. It will hardly be contended that this necessity is greater now than it was in 1787. There is yet much room in Alabama, Mississippi, and Louisiana, large portions of these States being yet a wilderness; not to speak of Georgia, the Carolinas, and Tennessee. If I am asked what is to be done when these are full, let me answer by asking what is to be done when the whole Western country is full? Sir, the mighty spring of population, under the advantages I have already noticed, will soon people the whole of the West with a colored population.

The question then presents itself, which policy, in a national point of view, is the best, that which holds out every possible inducement for the propagation of slaves, or that which leaves them as they now are? That policy which calls to its aid the worst passions of the human mind, avarice and the insatiable love of gain, arising from the traffic in the bodies and in the souls of men, or that which will require, if they are removed at all, that their fetters first be broken asunder? Actuated by the principles we now contend for, the statesmen of 1787 passed the ordinance of that year, by which the Northwestern Territory was rescued from this evil. Had other counsels then prevailed, had this district been opened for the introduction of slaves, and a market existed there, it requires little reflection and less reasoning to show that this class of our population would by this time have been much increased beyond their present number.

I will not, sir, said Mr. L., pursue the argument on this subject any farther; but, before I sit down, permit me to advert to some expressions which have fallen from gentlemen in this debate. The gentleman from Virginia, (Mr. BARBOUR,) the other day told us that this subject will be an ig-

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nited spark, which, communicated to an immense mass of combustion, will produce an explosion that will shake this Union to its centre. The gentleman from Georgia (Mr. WALKER) tells us, that he thinks he hears the thunders roll, he sees the father arrayed against the son, and the brother drawing the bloody sword from the bosom of the brother! Mr. President, I will not now detain the Senate, by inquiring in which of the States these combustible materials are, or by pointing out the field on which the battle will be fought. Before that bill leaves your table, if no other gentleman takes up this part of the subject, I may perhaps take the liberty of looking at it a little more in detail; not, sir, as a member from Pennsylvania, but as one of the Representatives of the whole of the United States. At present, however, I will only observe, that I also believe with those gentlemen, that we are drawing towards a very serious crisis; to save us from which, all the wisdom of the present Congress, as well as the blessing of the Almighty, will be necessary. But, sir, if the alternative be, as gentlemen thus broadly intimate, a dissolution of this Union, or the extension of slavery over this whole Western country, I, for one, will choose the former. I do not say this lightly; I am aware that the idea is a dreadful one. The choice is a dreadful one. Either side of the alternative fills my mind with horror. I have not, however, yet despaired of the Republic. And unless the melancholy result convinces me to the contrary, I must still believe that we are able to dispose of this distracting question so as to satisfy the reasonable expectations of the people of the United States.

Mr. BURRILL, of Rhode Island, said, it might probably be thought, that the very full discussion which this question had received, rendered it quite unnecessary to add any thing to the elaborate arguments of the honorable gentlemen who had preceded him: I even think so myself, said he; but, having at the last session taken some share in the debate upon a similar motion, it would be expected of me that the same sense of duty which then prompted me to address you, would still continue its effect, unless further reflection or the arguments of honorable gentlemen had produced a change of opinion. No change of that kind has been wrought, and longer and more careful consideration has produced a deeper conviction, not only of the constitutionality, but of the necessity of the proposed restriction. I shall aim, however, to avoid, as far as possible, the repetition of former arguments, for I feel too much impressed with the very kind and encouraging attention which my humble attempts on this floor have always received from the Senate, to tax their friendly patience for any very great length of time.

The objection principally relied upon by those who have opposed this restriction, is, that the Constitution gives us no power to impose it, and they call upon us, in a manner which implies that they feel themselves strong on this point, to produce the clause or article in which the power is granted. Objections of a Constitutional kind, opposed to a measure of legislation, are entitled to respect, and must be answered; but they have so frequently

been urged, in Congress and in the States, against almost every measure proposed or adopted, that they have lost the importance arising out of their name and source, and must stand upon their own merits, or, which is sometimes unfortunately the case, will stand upon the eloquence and ability of those who urge them. In the threshold, I might ask honorable gentlemen whether the burden of this argument is not thrown upon their shoulders rather than ours. We propose to subject Missouri to no other restrictions than, in 1787, was imposed by the "immortal" ordinance, as the gentleman from Pennsylvania has, with great force and propriety, called it, upon the whole Northwestern territory, a restriction which was readily and freely assented to, under an act of Congress, by the States of Ohio, Indiana, and Illinois, and to which the unparalleled growth and happy condition of the first of those fertile and extensive States is, in a great degree, to be ascribed. A restriction, then, the propriety of which is strengthened by a reference to the conduct of the old Congress and of the new, of the States and of the Union, ought not hastily to be condemned as unconstitutional. It has often been repeated within doors and without, that our free and happy Constitution, in which so many apparent contradictions and jarring interests are reconciled into a strong and harmonious Federal Government, was, in great part, the fruit of compromise. We have often been reminded, and I shall not soon forget it, that the small States are indebted to this principle of conciliation and compromise, for their equal suffrage in this branch of the National Legislature. On such occasions, it is but fair and equal to remind other gentlemen that the same friendly and patriotic principle has given to the slaveholding States a representation upon property in the other House, and that the compensation intended to have been made by the apportionment of direct taxes, according to the same ratio, has, owing to the ability or disposition to dispense with such taxes, except in a very few instances, never been received.

But, Mr. President, this principle of compromise went much farther. Almost all the States, and nearly every individual in the Convention considered slavery as an evil, and an evil, as one of the gentlemen from Georgia has observed, in the course of this debate, to be tolerated, because it could not be remedied. They also agreed, that the traffic in slaves on the African coast was inhuman as well as impolitic, and ought, as soon as possible, to be suppressed. There was still, however, an unwillingness in some gentlemen, that Congress should have the immediate power to interdict this trade. The Convention, therefore, in the spirit of compromise, agreed to a limitation on that general power which Congress would, by the Constitution, have possessed over the migration and importation of slaves, and they inserted in the 9th section, 1st article, that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." It is very ob-

servable that the Convention have, throughout the Constitution, sedulously avoided the words slaves and slavery. One of the most distinguished members of that body proposed the substitution of other words, and said he hoped that the time might arrive, during the existence of this Constitution, when slavery would no longer exist, and he wished there might be no memorial in the Constitution itself, that it ever had existed. We have the evidence of the venerable Mr. Jay, as to the intention of the Convention. There was, in fact, this compromise: Congress shall have the power of preventing the migration and importation of slaves: but as to the States then existing, they shall not exercise it till 1808. As to new States, their power was not even temporarily restrained. In truth, there was then, as unfortunately there is not now, a universal disposition to restrain and limit the extension of slavery. In the same spirit was conceived and enacted the ordinance of 1787, passed unanimously, assented to by all the States concerned, and ratified by the first Congress under the new Constitution. An ordinance, too, enacted during the session of the Convention, by persons some of whom were members of both bodies, and having an effect not upon the spirit merely, but upon the frame and phraseology of the Constitution. In short, those great men considered that henceforth we had adopted, as a basis, a fundamental principle of our polity, that domestic slavery was not to be further extended.

On these grounds, the limitation on the otherwise unlimited power of Congress over this subject was confined to the States then existing. It was already prohibited in the Territories by the ordinance, and Congress were not to be restrained or limited in this regard by the temporary limitation as to the then existing States. The then existing States were to do as they thought fit till 1808; and in fact—and to their honor be it said—the greater number prohibited immediately, and had already prohibited both migration and importation: but as to the Territories; as to new States; as to States not then existing; the power of Congress was unfettered—was supreme. It has not been sufficiently considered, that the clause under consideration is not a grant of power, but a limitation of a power which existed in Congress by the force of the express words of the Constitution, or by a necessary implication. And this limitation too we must bear in mind was temporary, and to expire in the short period of twenty years. But it is urged by honorable gentlemen, that, though Congress might prohibit importation after 1808, they could not prohibit the carrying of slaves from one State to another, and consequently not into new States. Gentlemen who deny the ordinance of 1787, and resist the force of the argument derived from the various legislative expositions of Congress, ought at least to agree among themselves as to the meaning of the word *migration*. An honorable gentleman from Georgia says that *migration* means the coming from a foreign country by land, and that the meaning is that Congress might prevent the migration of slaves from foreign countries or colonies by land, and the importation from

abroad by sea. Other gentlemen say that the word *migration* has no reference at all to slaves, but relates to white foreigners emigrating from Europe.

In regard to the first construction, I may ask, if *migration* relates to slaves coming by land, why has not Congress the power given it of imposing the duty of ten dollars, in the same way as if they were brought by water? In fact it is in both cases an importation, and the Convention were in this case guilty of the sin of tautology if this construction is correct. In the acts against the slave trade, importation by land or water is prohibited.

The second construction, which refers this word to the emigration of white free men, is equally inadmissible. What State ever imagined that Congress would prevent the emigration from Europe into this country of white freemen? And, if any jealousy on this head existed, why was the control over Congress to cease in 1808? Were they at liberty to do so strange a thing in 1808, why were they forbidden to do so previous to that epoch? There never was, there never could have been, any fear on this head; nor was there any intention to limit the general superintending power of Congress in relation to the intercourse with foreign nations, or the naturalization of aliens; or, if there was such a fear, or such an intention, the ground of the one and the reason of the other would extend far beyond the year 1808. Applying these terms as they were intended to be applied—that is, to slaves—and we have a key to the construction, an explanation of the reason of this limitation of the power of Congress, consistent with what I have stated to have been the general intent of the Convention, which was to restrain and circumscribe slavery. Two of the Southern States would not agree to the immediate prohibition either of importation or migration, and the clause therefore was the fruit of a compromise. A power which two States were apprehensive might be exercised to their injury was to be suspended until 1808. In addition to the fair import of the Constitution itself, and to the evidence derived from the ordinance of 1787, and the history of the times, we have a decided legislative exposition of the meaning of the new word *migration*, and the confinement of the restriction to the powers of Congress within the old States, in the conduct of the Executive and Legislature after the acquisition of Louisiana, in 1803.

Under the administration of Mr. Jefferson, when Mr. Madison, a member of the Convention, was Secretary of State, Congress passed an act, March 26, 1804, (vol. 3, p. 603,) for erecting Louisiana into two Territories, one of which was called Orleans; and in regard to Orleans there were enacted, and without (so far as we know) any opposition, important restrictions upon the introduction of slaves. Congress not only interdicted the introduction of slaves from abroad, but they expressly forbade the introduction of any slaves from the old States, which had been imported after May, 1798; and also the introduction of slaves, directly or indirectly, except by a citizen of the United States removing into the Territory for actual settlement, and being at the time of such removal bona fide

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owner of such slave or slaves; otherwise, the slave to be restored to his freedom. The residue of the old province of Louisiana was placed under the jurisdiction of the Governor and other authorities of Indiana, where, by the ordinance of 1787, slavery was already prohibited. Here then we have, upon a most important occasion, a legislative construction of the Constitution on the subject of migration, and also on the power of Congress over Territories, so far forth as relates to slavery; and it is also, as I shall have occasion to show, a commentary upon the treaty of cession of the province of Louisiana.

Indeed, Mr. President, if we look through all the acts of cession and acts for admitting new States—from the admission of Kentucky, February 4, 1791, to the admission of Alabama at this session—we shall find a continual reference to and acknowledgment of the ordinance of 1787, and a recognition of the power in Congress, and a constant exercise of it too, of imposing such restrictions on the new States, not inconsistent with their perfect equality in federal rights, as were necessary for the security of the rights and property and supremacy of the Federal Government; and of those principles (among which was the prevention of the further spread of slavery) which were and are always must be the vital and fundamental principles of the Federal Union. Thus, in the acts for admission of Tennessee, April 2, 1790, and May 26, 1797, though a part of an old State, there is no other reserve on the part of North Carolina, as to the ordinance of 1787, than this: "That no regulation, to be made by Congress, should tend to emancipate slaves." At that time, there was a general consent and understanding that this pestilence of slavery was not to be further diffused. But the times are changed, and we are changed with them.

I was prepared, Mr. President, to have gone through the several acts for the admission of new States, and to have shown what a variety of restrictions and conditions it has been found necessary, for the security of the property and rights of the Union, to impose upon these admissions; but the very detailed statements of the gentleman from Pennsylvania, (Mr. ROBERTS,) and the gentleman from New Hampshire, (Mr. MORRIL,) render it unnecessary. These restrictions and conditions do not derogate from the perfect federal equality of those States, and derive their binding force not only from the acts of Congress, but from the express consent of the good people of those States, given by their conventions.

Mr. President, gentlemen attempt to alarm our fears by calling this motion an infringement of the independence and sovereignty of the individual States. I know very well the magical force of certain words, and that, though they may not be potent to call up spirits from the vasty deep, they are sufficiently so to alarm prejudice and excite our jealousy. But after all, sir, in what does the sovereignty of the States consist? They surely cannot make war, or peace, or alliances, or raise armies, or build navies, or make any thing but gold and silver a tender in payment of debts, or

impair the obligation of contracts, or regulate trade; in short, they can hardly do any one of those things which sovereign princes, or emperors, or republics may do, and which Congress may do. It is clear, then, notwithstanding the majesty of these words, that the States are limited sovereignties, and that the supremacy is vested by the people of these United States in the Federal Government.

So far as the people and the States have delegated their powers to the Federal Government, the several States are restrained and limited, and must act in subordination to the general will, that is to say, the federal will. This general or federal will, or power, is to be exercised under, and is circumscribed by, the federal Constitution. It is no argument then to say, that the power to admit domestic slavery in a new State is a power necessarily belonging to an independent sovereignty, and therefore essential to a State. We are still brought back to the first question—Has not Congress power, by the Constitution, to prohibit the migration and importation of slaves into a State not existing at the formation of the Constitution; and had they not power to do this even before 1803? If these questions are answered in the affirmative, and if migration and importation include all the modes in which slaves could be brought into a territory or new State, then have we a right to hold out to Missouri this restriction, as contemplated in the amendment, and which affects no vested right whatever, as a condition on which they may be admitted into the Union. If they reject the terms they remain a territory.

Congress may admit new States, but are not obliged to admit them. If Missouri accepts these terms, for there are various terms and conditions in the bill reported, besides the one proposed in this amendment, she is bound by the compact, by the Constitution, in the same manner as Ohio is bound, and can no more complain of injustice or oppression than Ohio can. I might enlarge, sir, upon this idea, but as my honorable friend from Massachusetts (Mr. Mellen) has so ably and clearly vindicated and supported this proposition, I shall not detain you by a further illustration of it.

In opposition to the amendment now under consideration, it has been urged that the adoption of it would place the States upon a footing of inequality, and the honorable gentleman from Georgia (Mr. ELLIOT) has said, with great force and elegance, and has supported the proposition by a reference to the history of various confederacies, ancient and modern, that inequality among the members of a Confederacy, has always proved a source of jealousy and dissension, and, in many cases, of dissolution and ruin. But, sir, the inequalities to which he alluded were inequalities in federal rights. In regard to such rights, can it be pretended that Missouri will be on a footing of inferiority after her admission? Will she not have her Senators, her Representative, her Electors, by the same rules as other States? Must not all the regulations of her commerce, all her relations to the Union, and to other States, be the

same as those of Ohio or Vermont? Will she not, according to her population, have the same power and weight as other States? It were to be wished that a greater absolute equality existed among the States as to extent, wealth, and population; but these inequalities are not of the sort which have endangered or destroyed other federal leagues. In regard to the navigation of rivers and other subjects, there is already an inequality, and, from the nature of things, must be, among the States. Louisiana has, by compact, renounced any right to impose tolls upon the passage of the Mississippi, and other navigable rivers. Pennsylvania and New Jersey have renounced none of their rights over the river Delaware, nor has New York renounced hers over the Hudson. Louisiana, moreover, has agreed to establish the right of habeas corpus, of trial by jury in criminal cases, and to keep her records in the English language. In fact she has agreed to exchange, to a certain extent, the principles of the civil or Roman law for those of the common law. In some of the States the trial by jury does not exist in all criminal cases, especially in minor offences; and, in one State, the right to the writ of habeas corpus stands not upon a written Constitution, but upon a legislative act. No one will, on these accounts, pretend that there is any inferiority in the federal rights of Louisiana to the rights of any other State.

I will now proceed to consider the arguments against the amendment, derived from the treaty of cession of Louisiana. The treaty provides, "that the inhabitants of the territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." If this treaty takes away the power to prohibit the further introduction of slavery, from the governing authority of this country, whatever that authority may be, Congress cannot prohibit it while the country is in a territorial condition, nor can the State itself, when formed, prohibit it. The true meaning of the clause must be, that the inhabitants shall be put on the same footing as other citizens of the United States, as to their political rights, and to the same extent as if native-born, and the provision extends only to those who were inhabitants, and is the common provision when territory is ceded either after a conquest, or otherwise; and cannot refer to persons already citizens of the United States who buy land and remove thither; such require no aid from the treaty. Neither can it extend to foreigners removing into the territory, after the cession; they must be governed, and their rights determined, not by the treaty, but by the Constitution and laws of the United States. The words, "in the meantime," signify from the date of the treaty, to the period when the laws of the United States could not be extended over the country, and indeed at all times they were to be protected, as they have been, and will be, in their

liberty, property, and religion. If the word property does, by the force of the terms, include slaves, (though for the greater caution we have, in our treaties with England, usually preferred the phrase, slaves and other property,) the proposed amendment affects not that property. It simply inhibits the further introduction of slavery. While the territory is under the government of Congress, as well as after it shall become a State, this property, like all other, must be regulated by the laws of the land. Congress can control and regulate the descent of estates, abolish the right of primogeniture, prohibit entails, and exercise such other power over these subjects, as the State can exercise when established.

The whole of this objection, however, assumes the question in dispute. They are to be admitted according to the principles of the Federal Constitution; and we are thus again brought back to the first question, whether Congress can impose this condition on the admission of a State. If, by the Constitution, "Congress have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States," and might, as has been I think established, prevent migration and importation into the territories and new States even before 1808, and if the treaty diminishes this power, then the treaty is contrary to the Constitution, and in that article void. Congress itself cannot, and surely the President and Senate cannot, make a treaty for acquiring a foreign territory upon terms which the Constitution does not authorize. It is more than doubtful whether it was competent to acquire upon any terms a country not within the limits of the United States, unless by the consent of all the States, or by an amendment of the Constitution. I have no disposition, sir, to disturb what is settled, and will admit that a foreign territory might be conquered or purchased, but when it has become ours by conquest or purchase it must be governed under the Constitution. If we have stipulated to do for these inhabitants more than the Constitution authorized the President and Senate to stipulate for, we must make reparation if we violate the contract to the other party, now a private man, no longer a sovereign but a prisoner. But if we are to make reparation to Spain, who, and not the French Emperor, was the real owner of the country, or to the inhabitants, still they ought to show some injury or loss; and what pretence can be set up for either injury or loss, when we are ready to admit them on similar terms with those on which those great and fertile States Ohio, Indiana, and Illinois, were admitted? Congress, then, after having acquired the province, either by conquest or purchase, are to govern it under the Constitution and the laws, as they govern other territories; they seem indeed to have a more complete sovereignty over this than over a territory ceded by the old States, for this was acquired not by cession of an old State, in which case it might stand in the relation of an old State, but was acquired by cession from a stranger; it, therefore, belongs to the United States in their federal and sovereign character, and was not in

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the contemplation of the people of the United States when the Constitution was formed. It would follow, then, that though they are to be admitted into the Union upon an equality as to federal rights, yet that Congress have a right to impose conditions upon their admission, not inconsistent with that federal equality. We may add to this, that the United States are the owners of all the ungranted lands, and, as lords of the soil, have a right to secure their property and prevent the depreciation of its value.

With a few remarks upon the very difficult and dangerous subject of expediency, I shall be satisfied to leave the question to the discussion of the able gentlemen who follow me. This field is almost boundless. Which ever way we turn our eyes, we are struck with new evidences of its extent and importance. The question is no less than this; whether the unexplored and almost interminable regions beyond the Mississippi are hereafter to be filled with a race of free white men, or whether they are to be cultivated by slaves, and blackened with their continually increasing progeny? I am not only averse to a slave population, but also to any population composed of blacks, and of the infinite and motley confusion of colors between the black and the white. And yet to such a population do we inevitably doom this territory, if this restriction is to be rejected.

We also, Mr. President, violate the true spirit and intention of that compromise in the Constitution by which three-fifths of the slaves are to be included in the apportionment of Representatives. This was agreed to, to satisfy the then existing slaveholding States; but it could not have been in the contemplation of any man, at that time, that the number of such States was ever to be increased by the acquisition of territory. The new States which the Constitution had in prospect were such as might be made out of old States, and such as had been agreed to be formed in the country northwest of the Ohio; and, in these latter, slavery was already prohibited, by the celebrated ordinance of 1787. If we now introduce new slaveholding States, we increase the slave representation far beyond the number originally contemplated as possible; and, in fact, this increase operates to the injury of all the old States, whether slaveholding or non-slaveholding. The equivalent for this principle, supposed to exist in the principle of direct taxation, is already nearly nominal, since no direct taxes are imposed; and if we proceed far, as we are going on, in a short period the slave representation must have a very controlling influence in our Government. It is surely an original radical principle of this Union, that the majority of free citizens, or their representatives, are to rule the country.

Mr. President, one of the most prevailing motives by which I have been actuated to a steady perseverance in the endeavor to interdict the further introduction of slavery into Missouri, is a deliberate conviction that unless this endeavor succeeds, we can never put a stop to the slave trade. The internal slave trade for the supply of the new State, from the superabundance of the old, will certainly

acquire new activity; but not only will that trade, one of the most odious of all the odious species of that execrable traffic, be extended, we shall find that the foreign trade will also be enlarged. The cupidity and avarice of mankind will find out channels through which the miserable Africans can be smuggled into the country. It had been remarked, that, of all luggage, man is the most difficult and expensive to transport; but this, though true of civilized free men, with their property and comforts, their wives and families, is not true of young robust slaves, who march on foot, and are their own, or rather their masters' pack-horses. These unfortunate bipeds will be brought through the provinces of Santa Fe or New Mexico; they will be dispersed through the frontiers, where there are few officers, and where the vigilance of the few will be lulled to sleep by the interests and prejudices of their neighbors. All our efforts, all the efforts of the philanthropists of Europe, will be daily counteracted by the effect of our own institutions and laws. We have been told that this restriction will "pen up" slavery in the old States, and that, if we believe slavery to be so great an evil, we ought to consent to mitigate it by diffusion. Mr. President, the evil may thus be extended, but it cannot thus be cured. The time must one day arrive when, however extensive are the slave countries, they will all be too full. We may avert the most fatal calamities by limiting slavery within its present bounds, but, if extended much beyond them, the consequences may defy all human power.

It is urged, also, that, by this restriction, the Southern planter cannot migrate to the Missouri, because he cannot carry with him his slaves, a part of his family. Sir, if there were no other evils to be apprehended than such as might arise from these migrations, I should feel but little anxiety on this subject. I know well the difference between that master whose slaves are a part of his patrimony, who inherits them with his paternal acres, who has shared with them his boyish sports, and who considers them, not as the tools and instruments of hard labor, but as humble dependants and friends, and that hard task-master who works these wretched beings to the extent of their strength, and calculates the per centage on their cost. The government of these hereditary masters is mild, and, in its character, patriarchal. Of such, (and we have evidence of it in this honorable House,) consists the body of landholders in the long-settled States. But, sir, we are to expect, in new countries, no very large proportion of such citizens. Some such will, no doubt, migrate with their families; but the greater number of slaves, in new countries, will be connected with their master by no other tie than that heartless one of bargain and sale. We ought not, then, to imagine the same scenes in newly cleared plantations, where all are strangers, as we may imagine, and know, in the old plantations of Virginia and North Carolina, of which the greater part of the laborers are natives.

Sir, I should contradict my own experience, in this House, and in private life, were I to affix to those who hold slaves the general charge of cruelty, or, even, indifference to the rights of men. I

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have often been engaged in the discussion, in the Senate, of the best means of preventing the African slave trade, and have always found the gentlemen of the South and West ready, zealous, and cordial in their co-operation. Most of these gentlemen consider slavery, as it now exists in our country, as an evil; and so considering it, I would appeal to their good sense, and to their good feelings, whether they ought not to unite zealously in every measure which is calculated to prevent its extension. Diffusing it over Missouri will not lessen it in their States; the evil, as all our statistical tables abundantly prove, will increase, and may, at last, swell to a size and a strength which will despise and deride all attempts at control or regulation.

Mr. MACON, of North Carolina, said he agreed in opinion with the gentlemen who had declared this to be the greatest question ever debated in the Senate, and that it ought to be discussed in the most calm and cool manner; without attempting to excite passion or prejudice. It was, however, to be regretted, that, while some of those who supported the motion were quite calm and cool, they used a good many hard words, which had no tendency to continue the good humor which they recommended. He would endeavor to follow their advice, but must be pardoned for not following their example, in the use of hard words. If, however, one should escape him, it would be contrary to his intention, and an act of indiscretion, not of design or premeditation. He hoped to examine the subject with great meekness and humility.

The debate had brought forcibly to his recollection the anxiety of the best patriots of the nation, when the present Constitution was examined by the State conventions which adopted it. The public mind was then greatly excited, and men in whom the people properly placed the utmost confidence were divided. There was then no whisper about disunion, for every one considered the Union as absolutely necessary for the good of all. But, to day, we have been told, by the honorable gentleman from Pennsylvania, (Mr. LOWRIE,) that he would prefer disunion, rather than slaves should be carried west of the Mississippi. Age, Mr. M. said, may have rendered him timid, or education may have prevailed on him to attach greater blessings to the Union and the Constitution than they deserve. If this be the case, and it be an error, it was one he had no desire to be free from, even after what he heard in this debate. Get clear of this Union and this Constitution, and it will be found vastly more difficult to unite again and form another, than it was to form this. There were no parties in the country at the time it was formed; not even upon this question. The men who carried the nation through the Revolution were alive, and members of the Convention. WASHINGTON was at their head. Have we a Washington now? No. Is there one in the nation to fill his place? No. His like, if ever, has been rarely seen; nor can we, rationally, expect another in our day. Let us not speak of disunion as an easy thing. If ever it shall, unfortunately, come, it will bring evils enough for the best men to encounter; and all good

men, in every nation, lovers of freedom, will lament it. This Constitution is now as much an experiment as it was in the year 1789. It went into operation about the time the French revolution commenced. The wars which grew out of that, and the difficulties and perplexities which we had to encounter, in consequence of the improper acts of belligerents, kept the people constantly attached to the Government. It has stood well the trial of trouble and of war, and answered, in those times, the purposes for which it was formed and adopted; but now is to be tried, in time of universal peace, whether a government within a government, can sustain itself and preserve the liberty of the citizen. When we are told, disunion, rather than slaves be carried over the Mississippi! it ought not to be forgotten that the union of the people and the Confederation carried us through the Revolutionary war—a war of which no man can wish to see the like again in this country—but, as soon as peace came, it was found to be entirely unfit for it; so unfit, that it was given up for the present Constitution. Destroy it, and what may be the condition of the country, no man, not the most sagacious, can even imagine. It will surely be much worse than it was before it was adopted, and that must be well remembered.

The amendment is calculated to produce geographical parties; or why admonish us to discuss it with moderation and good temper? No man who has witnessed the effect of parties nearly geographical, can wish to see them revived. Their acts formerly produced uneasiness, to say the least of them, to good men of every party. General Washington has warned us against them; but he is now dead, and his advice may soon be forgotten; form geographical parties, and it will be neglected. Instead of forming sectional parties, it would be more patriotic to do them away. But party and patriotism are not always the same. Town meetings and resolutions to inflame one part of the nation against another can never benefit the people, though they may gratify an individual. A majority of them want things right. Leave them to form their own opinions, without the aid of inflammatory speeches at town meetings, and they will always form them correctly. What interest or motive can the good people of one part of the country have for meeting and endeavoring to imitate those of another? No town meeting was necessary to inform or inflame the public mind against the law giving members of Congress a salary instead of a daily allowance. The people formed their own opinions, disapproved it, and it was repealed. So they will always act, if left to themselves. Let not parties, formed at home for State purposes, be brought into Congress, to disturb and distract the Union. The General Government hitherto has been productive enough of them, to satisfy those who most delight in them, that they are not likely to be long wanted in it. Enough, and more than enough, has been produced, by the difficulty of deciding what is and what is not within the limits of the Constitution. And, at this moment, we have difficulties enough to scuffle with, without adding the present question. The dispute between the Bank

of the United States and those of the States; the want of money by the Government, the people not in a condition to increase the taxes, because more indebted at home than they ever were; and the dispute with Spain, might serve for this session. But the beginners of these town meetings may be like the beginners of the addresses of old—want office. If this should be the case, the Government is too poor to gratify them. It is more easy to influence the public mind, than to quiet it when inflamed. A child may set the woods on fire, but it requires great exertions to extinguish it. This now very great question was but a spark at the last session.

All the States now have equal rights, and all are content. Deprive one of the least right which it now enjoys in common with the others, and it will no longer be content. So, if Government had an unlimited power to put whatever conditions it pleased on the admission of a new State into the Union, a State admitted with a condition unknown to the others would not be content, no matter what might be the character of the condition, even though it was, not to steal or commit murder. The difference in the terms of admission would not be acceptable. All the new States have the same rights that the old have; and why make Missouri an exception? She has not done a single act to deserve it; and why depart, in her case, from the great American principle, that the people can govern themselves? No reason has been assigned for the attempt at the departure, nor can one be assigned which would not apply as strong to Louisiana. In every free country that ever existed, the first violations of the principles of the Government were indirect, and not well understood, or supported with great zeal, by a part of the people.

All the country west of the Mississippi was acquired by the same treaty, and on the same terms, and the people in every part have the same rights; but, if the amendment be adopted, Missouri will not have the same rights which Louisiana now enjoys. She has been admitted into the Union as a full sister, but her twin sister Missouri, under the proposed amendment, is to be admitted as a sister of a half-blood, or rather as a step-daughter, under an unjust step-mother: for what? Because she, as well as Louisiana, performed well her part during the late war; and because she has never given the General Government any trouble. The operation of the amendment is unjust as it relates to the people who have moved there from the other States. They carried with them the property which was common in the States they left, secured to them by the Constitution and laws of the United States, as well as by the treaty. There they purchased public lands and settled with their slaves, without a single objection to their owning and carrying them; but now, unfortunately for them, it is discovered that they ought not to have been permitted to have carried a single one. What a pity it is the discovery had not been made before they sold their land in the old States and moved. They must now sell their land and move again, or sell their slaves which they have raised, or have them taken from them, and this after they have

been at the trouble and expense of building houses and clearing plantations in the new country; not, it seems, for themselves and children, but for those who are considered a better people. The country was bought with the money of all, slaveholders as well as those who are not so; and every one knew, when he bought land and moved with his property, he had a perfect right to do so. And no one, till last session, ever said to the contrary, or moved the restriction about slaves. The object, now avowed, is to pen up the slaves and their owners, and not permit them to cross the Mississippi, to better their condition, where there is room enough for all, and good range for man and beast. And man is as much improved by moving and range, as the beast of the field. But, what is still more unaccountable, a part of the land granted to the soldiers for their services in the late war, was laid off in Missouri expressly for the soldiers who had enlisted in the Southern States, and would prefer living where they might have slaves. These, too, are now to leave the country of their choice, and the land obtained by fighting the battles of the nation. Is this just, in a Government of law, supported only by opinion—for it is not pretended that it is a Government of force? In the most alarming state of our affairs at home—and some of them have an ugly appearance—public opinion alone has corrected and changed that which seemed to threaten disorder and ill will, into order and good will, except once, when the military was called out, in 1791. Let this be compared to the case of individuals, and it will not be found to be more favorable to the amendment than the real case just stated. A. and B. buy a tract of land large enough for both, and for their children, and settle it, build houses, and open plantations. When they have got in a good way to live comfortably, after ten or fifteen years, A. thinks there is not too much for him and his children, and that they can, a long time hence, settle and cultivate the whole land. He then, the first time, tells B. that he has some property he does not like, and that he must get clear of it, or move. B. states the bargain. A. answers, it is true, that he understood it so till of late; but, that move he must, or get clear of the property; for that property should not be in his way. The kind or quality of property cannot affect the question. Nay, if it was only a difference in the color of their cattle—one preferring red, the other pied. Would this be just? The answer must settle the question with all men who are free from prejudice.

A wise Legislature will always consider the character, condition, and feeling, of those to be legislated for. In a government and people like ours, this is indispensable. The question now under debate demands this consideration. To a part of the United States, and that part which supports the amendment, it cannot be important, except as it is made so by the circumstances of the times. In all questions like the present in the United States, the strong may yield without disgrace even in their own opinion; the weak, cannot; hence, the propriety of not attempting to impose this new condition on the people of Missouri.

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Their numbers are few, compared to those of the whole United States. Let the United States, then, abandon this new scheme; let their magnanimity, and not their power, be felt by the people of Missouri. The attempt to govern too much has produced every civil war that ever has been, and will, probably, every one that ever may be. All governments, no matter what their form, want more power and more authority, and all the governed want less government. Great Britain lost the United States by attempting to govern too much, and to introduce new principles of governing. The United States would not submit to the attempt, and earnestly endeavored to persuade Great Britain to abandon it, but in vain. The United States would not yield; and the result is known to the world. The battle is not to the strong, nor the race to the swift. What reason have we to expect that we can persuade Missouri to yield to our opinion, that did not apply as strongly to Great Britain? They are as near akin to us as we were to Great Britain. They are "flesh of our flesh, and bone of our bone." But, as to kin, when they fall out, they do not make up sooner than other people. Great Britain attempted to govern us on a new principle, and we attempt to establish a new principle for the people of Missouri, on becoming a State. Great Britain attempted to lay a three-penny tax on the tea consumed in the then colonies which were not represented in Parliament; and we to regulate what shall be property, when Missouri becomes a State, when she has no vote in Congress. The great English principle, of no tax without representation, was violated in one case, and the great American principle, that the people are able to govern themselves, will be, if the amendment be adopted. Every free nation has had some principle in their government to which more importance was attached than to any other. The English was not to be taxed without their consent given in Parliament; the American is to form their own State government, so that it be not inconsistent with that of the United States. If the power in Congress to pass the restriction was expressly delegated, and so clear that no one could doubt it, in the present circumstances of the country, it would not be wise or prudent to do so; especially against the consent of those who live in the territory. Their consent would be more important to the nation than a restriction which would not make one slave less, unless they might be starved in the old States.

Let me not be understood as wishing or intending to create any alarm as to the intentions of the people of Missouri. I know nothing of them. But in examining the question, we ought not to forget our own history, nor the character of those who settle on our frontiers. Your easy, chimney-corner people, the timid and fearful, never move to them. They stay where there is no danger from an Indian, or any wild beast. They have no desire to engage the panther or the bear. It is the bravest of the brave, and the boldest of the bold, who venture there. They go not to return.

The settling of Kentucky and Tennessee, during

the war of the Revolution, proves, in the most satisfactory manner, what they can do, and will undergo, and that they will not return. The few people who first settled there, had to contend, without aid from the States, against all the Indians bordering on the United States, except the Chickasaw and Choctaw nations, and maintained their stations. The Northern tribes, unaided by the Southern, attacked the United States, since the adoption of the Constitution, defeated two armies, and it required a third to conquer them. The frontier people, in the Revolutionary war, as well as in the late, astonished everybody by their great exploits. Vermont, though claimed, in the Revolutionary war, by New Hampshire and New York, was not inferior to any of the States in her exertions to support independence. The gentleman from Pennsylvania will pardon me for stating, that that State had had some experience of their Government managing a few people, who would not yield obedience to their authority, though settled within their limits. They were obliged to compromise. I mean the Wyoming settlers. Again, since this Government was in operation, a few people settled on the Indian lands: they were ordered to move from them, but did not obey. The military were sent to burn their cabins. The commanding officer told them his business; and very humanely advised them to move what property they had out of them. This they did, and their cabins were burnt. They waited till the troops marched, and very soon after built new cabins on the same places; and to the same backs where the old ones had been burnt. These facts are stated to show that a contest with a people who believe themselves right, and one with a government, are very different things. It would have been very gratifying to me to have been informed by some one of the gentlemen who support the amendment, what is intended to be done if it be adopted, and the people of Missouri will not yield, but go on and form a State government, (having the requisite number, agreeably to the ordinance,) as Tennessee did, and then apply for admission into the Union. Will she be admitted, as Tennessee was, on an equal footing with the original States, or will the application be rejected, as the British Government did the petitions of the Old Congress? If you do not admit her, and she will not return to the territorial government, will you declare the people rebels, as Great Britain did us, and order them to be conquered, for contending for the same rights that every State in the Union now enjoys? Will you for this order the father to march against the son, and brother against brother? God forbid! It would be a terrible sight to behold these near relations plunging the bayonet into each other, for no other reason than because the people of Missouri wish to be on an equal footing with the people of Louisiana. When territories they were so. Those who remember the Revolution will not desire to see another civil war in our land. They know too well the wretched scenes it will produce. If you should declare them rebels, and conquer them, will that attach them to the Union? No one can expect this. Then do not attempt to do that for

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them which was never done for others, and which no State would consent for Congress to do for it. If the United States are to make conquests, do not let the first be at home. Nothing is to be got by American conquering American. Nor ought we to forget that we are not legislating for ourselves, and that the American character is not yielding when rights are concerned.

We have been told, and told again, that the amendment will be an advantage to the people of Missouri; but they, like others, are willing to decide for themselves. We are told that the people in the new States over the Ohio river are in favor of the restriction. Pass it, and half the industry and exertion which have been used to excite the present feeling in the United States, might excite those people very differently; they might be persuaded that it was done to prevent settling the country with inhabitants from the old States—to prevent their being able to elect the President west of the mountains; and it is not impossible that the present great excitement of public opinion may have somewhat of election in it. The Senate was intended, by the long time for which its members are elected, to check every improper direction of the public mind. It is its duty to do so; and never was there a more proper occasion than the present. The character of the present excitement is such, that no man can foresee what consequences may grow out of it.

But, why depart from the good old way, which has kept us in quiet, peace, and harmony—every one living under his own vine and fig tree, and none to make him afraid? Why leave the road of experience, which has satisfied all, and made all happy, to take this new way, of which we have no experience? The way leads to universal emancipation, of which we have no experience. The Eastern and Middle States furnish none. For years before they emancipated they had but few, and of these a part were sold to the South, before they emancipated. We have not more experience or book learning on this subject than the French Convention had which turned the slaves of St. Domingo loose. Nor can we foresee the consequences which may result from this motion, more than the convention did in their decree. A clause in the Declaration of Independence has been read, declaring "that all men are created equal;" follow that sentiment, and does it not lead to universal emancipation? If it will justify putting an end to slavery in Missouri, will it not justify it in the old States? Suppose the plan followed, and all the slaves turned loose, and the Union to continue, is it certain that the present Constitution would last long? Because the rich would, in such circumstances, want titles and hereditary distinctions; the negro food and raiment; and they would be as much or more degraded, than in their present condition. The rich might hire these wretched people, and with them attempt to change the Government, by trampling on the rights of those who have only property enough to live comfortably.

Opinions have greatly changed in some of the States in a few years. The time has been when those now called slaveholding States were thought

to be the firm and steadfast friends of the people and of liberty. Then they were opposing an Administration and a majority in Congress, supported by a sedition law; then there was not a word heard, at least from one side, about those who actually did most towards changing the Administration and the majority in Congress, and they were from slaveholding States. And now it would be curious to know how many members of Congress actually hold seats in consequence of their exertions at the time alluded to. Past services are always forgotten when new principles are to be introduced.

It is a fact, that the people who move from the non-slaveholding to the slaveholding States, when they become slaveholders by purchase or marriage, expect more labor from them than those do who are brought up among them. To the gentleman from Rhode Island (Mr. BURRILL) I tender my hearty thanks, for his liberal and true statement of the treatment of slaves in the Southern States. His observations leave but little for me to add, which is this, that the slaves gained as much by independence as the free. The old ones are better taken care of than any poor in the world, and treated with decent respect by all their white acquaintances. I sincerely wish that he, and the gentleman from Pennsylvania, (Mr. ROBERTS,) would go home with me, or some other Southern member, and witness the meeting between the slaves and the owner, and see the glad faces and the hearty shaking of hands. This is well described in General Moultrie's History of the Revolutionary War in South Carolina; in which he gives the account of his reception by his slaves the first time he went home after he was exchanged. He was made prisoner at the surrender of Charleston. Could Mr. M. have procured the book in the city, he intended to have read it, to show the attachment of the slave to his owner. A fact shall be stated. An excellent friend of mine—he, too, like the other characters which have been mentioned in the debate, was a Virginian—had business in England, which made it necessary that he should go to that country himself, or send a trusty agent. He could not go conveniently, and sent one of his slaves, who remained there near a year. Upon his return he was asked by his owner how he liked the country, and if he would have liked to stay there? He replied, that to oblige him he would have stayed; the country was the finest country he ever saw; the land was worked as nice as a square in a garden; they had the finest horses, and carriages, and houses, and every thing; but that the *white servants* abused his country. What did they say? They said we owed them (the English) a heap of money, and would not pay. To which he added, their chief food was *mutton*—he saw very little *bacon* there.

The owner can make more free in conversation with his slave, and be more easy in his company, than the rich man, where there is no slave, with the white hireling who drives his carriage. He has no expectation that the slave will, for that free and easy conversation, expect to call him fellow-citizen, or act improperly.

Massachusetts, Pennsylvania, and Virginia, have

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been often mentioned in the debate; and it has frequently been said, that the two first had emancipated their slaves; from which an inference seemed to be drawn that the other might have done so: emancipation, to these gentlemen, seems to be quite an easy task. It is so where there are but very few; and would be more easy if the color did not every where place the blacks in a degraded state. Where they enjoy the most freedom, they are there degraded. The respectable whites do not permit them to associate with them, or to be of their company when they have parties. But if it be so easy a task, how happens it that Virginia, which before the Revolution endeavored to put an end to the African slave trade, has not attempted to emancipate? It will not be pretended that the great men of other States were superior, or greater lovers of liberty, than her Randolph, the first President of the First Congress, her Washington, her Henry, her Jefferson, or her Nelson. None of these ever made the attempt—and their names ought to convince every one that it is not an easy task in that State. And is it not wonderful, that, if the Declaration of Independence gave authority to emancipate, that the patriots who made it never proposed any plan to carry it into execution? This motion, whatever may be pretended by its friends, must lead to it. And is it not equally wonderful, that, if the Constitution gives the authority, this is the first attempt ever made, under either, by the Federal Government, to exercise it? For if, under either, the power is given, it will apply as well to States as Territories. If either intended to give it, is it not still more wonderful that it is not given in direct terms? The gentlemen would not then be put to the trouble of searching the Confederation, the Constitution, and the laws, for a sentence or a word to form a few doubts. If the words of the Declaration of Independence be taken as part of the Constitution, and that they are no part of it is as true as that they are no part of any other book, what will be the condition of the Southern country when this shall be carried into execution? Take the most favorable which can be supposed, that no convulsion ensue—that nothing like a massacre or war of extermination takes place, as in St. Domingo: But that the whites and blacks do not marry and produce mulatto States—will not the whites be compelled to move and leave their land and houses, and leave the country to the blacks? And are you willing to have black members of Congress? But if the scenes of St. Domingo should be reacted, would not the tomahawk and scalping knife be mercy?

But, before the question be taken on the motion, I should be very much obliged to any one of the gentlemen from the non-slaveholding States, who would frankly state the condition of the blacks in the State he represents, especially their condition in the large cities; whether the whites and the blacks intermarry. If they do, whether the whites are not degraded by it; whether the blacks are in the learned professions of law and physic, and whether they are not degraded. If they be degraded, where there are so few, what will be the consequence when they are equal in number, or

nearly so, to the whites? Every one will decide this for himself. It may be stated, without fear of contradiction, that there is no place for the free blacks in the United States—no place where they are not degraded. If there was such a place, the society for colonizing them would not have been formed; their benevolent design never known. A country wanting inhabitants, and a society formed to colonize a part of them, prove there is no place for them.

Some of the arguments used in the present debate convey to my mind the impression that it was thought the owning of slaves enervated and enfeebled the owners. Let the history of the Revolution and of the late war be examined, and nothing like it will be found. Facts enough might be stated to prove it was not so—two only will be mentioned: The battle of King's Mountain and that of New Orleans. But on this subject I will, with permission of the Senate, read a part of the speech of that celebrated master of the human character, (Mr. BURKE,) on his motion for reconciliation with the colonies, delivered in 1775—his language in this: "Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the Southern colonies the Church of England forms a large body and has a regular establishment. It is certainly true. There is however a circumstance attending these colonies which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the Northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case, in any part of the world, those who are free are by far the most proud and jealous of their freedom." To this I will not attempt to add to add a word. No man can add to Mr. Burke. Mr. M. said he intended to have read the part in which the character of New England is given; it is equally honorable and equally true; but he was so much exhausted he would omit it. The whole speech is well worthy of being read on this occasion.

Nor are the owners of slaves less moral or less religious than those who hold none. This fact might have been ascertained from the preachers of the Gospel who have travelled from the slaveholding States to the non-slaveholding to preach. And that they are not less fit for managing the great concerns of others may be ascertained by knowing who presides over the Bank of the United States. When its affairs fell into confusion, where did the directors find a man to preside over it? This is not mentioned to cast a shade on any one living, but to show that, in private concerns of the greatest importance, no regard has been paid to a man's being born and brought up in a State holding slaves—nor to convey any opinion as to the past transactions of that institution.

Permit me now to notice a few of the observations made in defence of this motion. The gentleman from Pennsylvania (Mr. ROBERTS) told us that nothing but necessity tolerated slavery in the United States. The Constitution tolerates it; and that was not adopted from necessity, but

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through choice. If the necessity ever ceases, who is to decide when? Congress did not decide for Pennsylvania, or any other State; she decided for herself. Let Missouri do the same.

The gentleman from New Hampshire (Mr. MORRIL) has said that the Constitution was a compromise as to slaves. This, no doubt, is true; but not a compromise to emancipate. The States that held them could free them as others had done, without asking or consulting the Convention or Congress. But it was a compromise as to representation, and nothing else. He has also said slavery was a curse, and has read a part of Mr. Jefferson's Notes on Virginia to prove it. But what ought surely to be inferred from Mr. Jefferson's notes and life, is, that he thinks slavery is a curse, but thinks it a greater curse to emancipate in his native Virginia. His democracy, like that of his great countrymen who have been before mentioned, appears to be of the white family. Both the gentlemen have stated that the slaves are represented. Are not the blacks everywhere represented? Emancipate them and they stay where they are; and two-fifths of their number will be added to the representation, though they are not permitted to enlist in our army.

The gentleman from Rhode Island (Mr. BURRILL) seemed to think the question about slaves ought to be touched very delicately. He did touch it so. But there is no power in the General Government to touch it in any way. He observed that the people who had moved to Missouri from the old States had no claim of any kind under the treaty. He will not, I am sure, on reflection, think that the people of any acquired territory can have more rights in the territory than the good people of the old States when they move to it. They carry with them their rights, as our fathers brought theirs from England when they first came to America.

It has often been stated, that the law establishing a territory in Louisiana, prohibited the carrying of slaves there, unless the owner moved with them. The provision in the law was made and intended to prevent the carrying Africans there—one of the States having opened her ports for the African slave trade about the time. But, with all the sins of holding slaves, we have not that of going to Africa for them. They have been brought to us by the citizens of the States which hold none. The only time, in Congress, that I ever heard the slave trade defended, was by a member from the same State with the gentleman from Rhode Island, (Mr. BURRILL.)

Why not leave the people of Missouri exactly as the other Territories have been left, free to do as they pleased? A majority of them have moved from the States, and understand self-government.

One word on the African slave trade. A bill was reported in the Senate to whip those who might be in any way engaged in it. The whipping was struck out, (not by the votes of those who represented slave States,) because a rich merchant might be convicted, and it would not do to whip a gentleman.

If the amendment be adopted, Missouri will

have fewer rights as a State, than as a Territory. This is new in the United States—and had not the wise King of Israel said, there is nothing new under the sun, this would be thought so. The vote of the Senate last year on this same question was sufficient to convince the people of Missouri that the Senate then thought they had the same rights with the other Territories. But, all this attention to Missouri, reminds me of people who, when young, married to please themselves, but who, when old, were desirous to make matches for others.

Tired as he was, he would offer a few observations on the Constitution and the treaty; both of which, as well as the laws, which surely cannot affect a right secured by either of the other, have been searched with uncommon industry, and every sentence or word which could possibly be supposed to have the least bearing on the subject has been read and scanned, as if this was a question of syntax, and as if the rights of people depended on detached sentences or words. Can it be thought that the Convention which framed the Constitution would have given the power to emancipate in so indirect a way that it was never discovered till the last session, when they were so particular as even to prohibit an interference with the slave trade until 1808? The following words in the Constitution are chiefly relied on for the authority: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States." The fair and only meaning of these words is, that Congress may sell and manage their own property, but not the property of the people. The power over the territories is very different from that over the District of Columbia, where exclusive legislation is granted. "New States may be admitted by Congress into the Union." Under these words, a power is claimed to declare what shall be property in a new State. As well might a power be claimed to fix the age when people shall marry in the State. The ordinance so often referred to declares, that the new States shall be admitted on an equal footing with the original States. And so all the new States have been. It seems to be authority for every one but Missouri. The words were intended to take the place of an article in the Confederation, which provided for the unconditional admission of Canada into the Union. They have no application to what was then called the Northwestern Territory, because the States to be formed in that, were to come into the Union under the ordinance. What was intended for Canada has brought Louisiana into the Union. This clause has also been relied on: "That migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." The importation may be taxed, but not the migration. If, as has been supposed, both applied to slaves, why not tax both? Migration was not intended for slaves brought into the United States by land. At the time the Consti-

tution was formed, it is probable that no attempt to do this had ever been made. The gentleman from Rhode Island (Mr. BURRILL) has said, unless the amendment be adopted, that slaves will be carried from Santa Fe to Missouri. If so, they will be carried against law; and, if the law is not obeyed, they may be carried into Louisiana. *Importation* means property, *migration* does not. He would now turn to another clause, which ought to convince every one that the Constitution intended that new States, holding slaves, might be admitted. It is in the following words: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." This, like the other clauses of the Constitution which have been noticed, is so plain and clear that no argument can render it more so: "Which may be admitted," cannot be made to mean the States then in the Union.

The treaty is as plain as the Constitution. The people are to be protected in their property; and slaves were property both before and since its ratification. If the property in slaves be destroyed by indirect means, it is as much a violation of the treaty as if it was done directly. Pass the amendment, and the property in them is indirectly destroyed; and yet it is the only property secured to the owner by the Constitution. The power to touch the subject is claimed by a stretching implication. It is to be found in no part of the Constitution or the treaty. It is stretching the Constitution more than it ever was before; and it ought to be remembered, that, since the election of Mr. Jefferson to the Presidency, it has not been stretched without injuring the people. In giving a stretching construction to the Constitution, we ought not to forget that the Holy Scripture, which contains nothing but peace and good will to man, was, by a stretching construction, made to cover the terrible inquisition and the wild crusades. And it would seem, from what we have heard, as dangerous to hold a slave as to say to thy brother, *thou fool, or thou liar*.

It is to be regretted, that, notwithstanding the compromise made in the Constitution about slaves, gentlemen had thought proper, at almost every session, to bring the subject before Congress, in some shape or other, and that they regularly, in their arguments, claim new power over them. What have the people of the Southern States done, that such a strong desire should be manifested to pen them up? It cannot be because their Representatives have uniformly opposed the African slave trade, or because they as uniformly opposed the impressment of American sailors by British officers; or because their banks are drained of specie, to supply other places, and the revenue collected from them is not spent among them; or because they have been so tolerant in politics that when Mr. Jefferson came into office, their opponents, who had every office, were not turned out—a proof that they did

not oppose them for their places of honor or profit; or because they have been willing to admit new States into the Union without regard to the number of people—Ohio will remember that the speeches of Southern members were printed to induce her citizens to become a State; or because they have never requested Congress to tax others for their benefit; or because they have not abused the late pension law, but have at all times been obedient to the laws of the United States and of the States, never giving cause for uneasiness or alarm to the United States or the neighboring States, and, at all times which tried men's souls, have been found good and true; or because, in old times, they opposed the shutting of the Mississippi for twenty-five years.

If the decision be in favor of the amendment, it may ruin us and our children after us; if against it, no injury will result to any part of the United States. Let it be what it may, my prayer to God shall be, that it may benefit the nation and promote the happiness of the people, and that the union of these States, and the Constitution, may be as lasting as the Alleghany.

[The following is the part of the history of General Moultrie, alluded to by Mr. Macon:

"On my way from General Marion's to General Greene's camp, my plantation was in the direct road, where I called and staid a night. On my entering the place, as soon as the negroes discovered that I was of the party, there was immediately a general alarm and an outcry, that 'massa was come! massa was come!' and they were running from every part, with great joy, to see me. I stood in the piazza to receive them; they gazed at me with astonishment, and every one came and took me by the hand, saying 'God bless you, massa! We glad to see you, massa!' and every now and then some one or other would come out with a 'ky!' and the old Africans joined in a war song, in their own language, of 'welcome the war home.' It was an affecting meeting between the slaves and the master: the tears stole down my eyes and run down my cheeks. A number of gentlemen that were with me could not help being affected by the scene. Many are still alive, and remember the circumstance. I then possessed about two hundred slaves; and not one of them left me during the war, although they had had great offers, nay, some were carried down to work on the British lines, yet they always contrived to make their escape and return home. My plantation I found to be a desolate place; stock of every kind taken off; the furniture carried away; and my estate had been under sequestration."]

FRIDAY, January 21.

The PRESIDENT communicated a report of the Postmaster General, containing a statement of the number of clerks employed in that department during the year 1819, with their names and salaries; also, a list of contracts made by that department during the same year; and the reports were read.

On motion by Mr. THOMAS the bill to prohibit the introduction of slavery into the Territories of the United States north and west of the contemplated State of Missouri was referred to a se-

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lect committee, to consist of five members, to consider and report thereon; and Messrs. THOMAS, BURRILL, JOHNSON, of Kentucky, PALMER, and PLEASANTS, were appointed the committee.

The bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana, and Missouri Territory, was read the second time, and referred to the Committee on Public Lands.

The engrossed bill to establish a district court in the State of Alabama, was taken up, when the blanks therein were so filled as to provide that the salary of the Judge be \$2,000, that of the United States Attorney \$400, and that of the Marshal \$250 per annum; and, thus amended, the bill was passed, and sent to the other House for concurrence.

The Senate resumed the consideration of the bill to continue the act to provide for reports of the decisions of the Supreme Court, (the blank in which had been previously filled so as to continue the act for five years,) and the bill was ordered to be engrossed for a third reading.

Mr. LANMAN presented the memorial of the inhabitants of the city of Hartford, and its vicinity, in the State of Connecticut, against the farther extension of slavery in the United States; and the memorial was read.

Mr. OTIS presented the petition of Vassel White, of Berkshire, Massachusetts, praying a pension, for reasons stated in the petition; which was read and referred to the Committee on Pensions.

The Senate then again proceeded to consider the resolutions (introduced by Mr. DICKERSON) so to amend the Constitution as to provide an uniform mode of electing Electors of President and Vice President of the United States, and Representatives in Congress; and, on the question to engross the resolution for a third reading, it was decided in the affirmative—yeas 27, nays 13, as follows:

YEAS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Louisiana, King of Alabama, Lanman, Logan, Macon, Mellen, Morrill, Otis, Palmer, Parrott, Sanford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Williams of Mississippi, Williams of Tennessee, and Wilson.

NAYS—Messrs. Barbour, Elliot, Gaillard, Leake, Lloyd, Lowrie, Pleasants, Roberts, Ruggles, Smith, Taylor, Walker of Alabama, and Walker of Georgia.

Mr. STOKES presented the petition of Joseph Timberlake, postmaster at Fredericksburg, Virginia, praying an increase of compensation, for reasons stated in the petition; which was read, and referred to the Committee on the Post Office and Post Roads.

MAINE AND MISSOURI.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the admission of the State of Maine into the Union," together with the amendments proposed thereto.

Mr. PINKNEY, of Maryland, took the floor, and spoke until nearly three o'clock, against the proposed restriction. Before he had concluded his

speech, he gave way for a motion to adjourn, and the Senate adjourned to Monday.

MONDAY, January 24.

Mr. RUGGLES presented the petition of Gabriel Godfroy, of Michigan Territory, praying compensation for the destruction of his property during the late war with Great Britain; and the petition was read, and referred to the Committee of Claims.

The Senate resumed the consideration of the report of the Committee of Claims upon the petition of Bowie and Kurtz, and others; and the further consideration thereof was postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes;" and also a bill entitled "An act to alter the terms of the court of the western district of Virginia," in which bills they request the concurrence of the Senate.

The said two bills were read, and severally passed to the second reading.

The bill entitled "An act to alter the terms of the court for the western district of Virginia," was read the second time by unanimous consent.

The bill to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d of March, 1817, was read a third time, and passed.

The resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of the President and Vice President of the United States, and the election of Representatives in the Congress of the United States, was read a third time; and on motion by Mr. BURRILL, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

ADMISSION OF MISSOURI.

Mr. WILSON communicated the following resolutions of the Legislature of the State of New Jersey, which were read:

"Whereas, a bill is now depending in the Congress of the United States, on the application of the people in the Territory of Missouri for the admission of that Territory as a State into the Union, not containing provisions against slavery in such proposed State, and a question is made upon the right and expediency of such provision:

"The representatives of the people of New Jersey, in the Legislative Council and General Assembly of the said State, now in session, deem it a duty they owe to themselves, to their constituents, and posterity, to declare and make known the opinions they hold upon this momentous subject; and,

"1. *They do resolve and declare*, That the further admission of Territories into the Union, without restriction of slavery, would, in their opinion, essentially impair the right of this and other existing States to equal representation in Congress, (a right at the foundation of the political compact,) inasmuch as such newly admitted slaveholding State would be repre-

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sented on the basis of their slave population; a concession made at the formation of the Constitution, in favor of the then existing States, but never stipulated for new States, nor to be inferred from any article or clause in that instrument.

"2. *Resolved*, That, to admit the Territory of Missouri as a State into the Union, without prohibiting slavery there, would, in the opinion of the representatives of the people of New Jersey, aforesaid, be no less than to sanction this great political and moral evil, furnish the ready means of peopling a vast Territory with slaves, and perpetuate all the dangers, crimes, and pernicious effects of domestic bondage.

"3. *Resolved*, as the opinion of the representatives aforesaid, That, inasmuch as no Territory has a right to be admitted into the Union but on the principles of the Federal Constitution, and only by a law of Congress consenting thereto on the part of the existing States, Congress may rightfully, and ought to refuse such law, unless upon reasonable and just conditions, assented to on the part of the people applying to become one of the States.

"4. *Resolved*, in the opinion of the representatives aforesaid, That the article of the Constitution which restrains Congress from prohibiting the migration or importation of slaves, until after the year eighteen hundred and eight, does, by necessary implication, admit the general power of Congress over the subject of slavery, and concedes to them the right to regulate and restrain such migration and importation after that time, into the existing or any newly to be created State.

"5. *Resolved*, as the opinion of the representatives of the people of New Jersey, aforesaid, That, inasmuch as Congress have a clear right to refuse the admission of a Territory into the Union, by the terms of the Constitution, they ought, in the present case, to exercise that absolute discretion, in order to preserve the political rights of the several existing States, and prevent the great national disgrace and multiplied mischiefs which must ensue from conceding it, as a matter of right, in the immense territories yet to claim admission into the Union, beyond the Mississippi, that they may tolerate slavery.

"6. *Resolved*, with the concurrence of Council, That the Governor of this State be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives of this State in the Congress of the United States."

Mr. LOGAN communicated the following preamble and resolutions of the Legislature of the State of Kentucky, which were read:

"Whereas the Constitution of the United States provides for the admission of new States into the Union, and it is just and proper that all such States should be established upon the footing of original States, with a view to the preservation of State sovereignty, the prosperity of such new State, and the good of their citizens; and whereas successful attempts have been heretofore made, and are now making, to prevent the people of the Territory of Missouri from being admitted into the Union as a State, unless trammelled by rules and regulations which do not exist in the original States, particularly in relation to the toleration of slavery:

"Whereas, also, if Congress can thus trammel or control the powers of a Territory in the formation of a State government, that body may, on the same principles, reduce its powers to little more than those

possessed by the people of the District of Columbia; and whilst professing to make it a sovereign State, may bind it in perpetual vassalage, and reduce it to the condition of a province; such State must necessarily become the dependant of Congress, asking powers, and not the independent State, demanding rights: And whereas it is necessary, in preserving the State sovereignties in their present rights, that no new State should be subjected to this restriction, any more than an old one, and that there can be no reason or justice why it should not be entitled to the same privileges, when it is bound to bear all the burdens and taxes laid upon it by Congress:

"In passing the following resolution, the General Assembly refrains from expressing any opinion either in favor or against the principles of slavery; but to support and maintain State rights, which it conceives necessary to be supported and maintained, to preserve the liberties of the free people of these United States, it avows its solemn conviction that the States already confederated under one common Constitution, have not a right to deprive new States of equal privileges with themselves: Therefore,

"*Resolved*, by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this State be instructed, and the Representatives be requested, to use their efforts to procure the passage of a law to admit the people of Missouri into the Union as a State, whether those people will sanction slavery by their constitution or not.

"*Resolved*, That the Executive of this Commonwealth be requested to transmit this resolution to the Senators and Representatives of this State in Congress, that it may be laid before that body for its consideration."

STATE OF MAINE, &c.

The Senate again took up the Missouri bill.

Mr. PINKNEY resumed the remarks which he commenced on Friday, in opposition to the proposed restriction, and spoke nearly two hours. When he had concluded—

Mr. OTIS intimated a wish to reply to Mr. P., but as the Senate, he said, after the intellectual banquet which they had just enjoyed, would have now little relish for the plain fare which he could offer; he moved that the subject be postponed until tomorrow; which motion prevailed.

TUESDAY, January 25.

The VICE PRESIDENT having retired from the Chair, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides; and the honorable JOHN GAILLARD was elected.

On motion by Mr. SANFORD the Secretary was directed to wait on the President of the United States, and acquaint him that the Senate have, in the absence of the Vice President, elected the honorable JOHN GAILLARD, President of the Senate *pro tempore*, and that the Secretary make a similar communication to the House of Representatives.

RUFUS KING, appointed a Senator by the Legislature of the State of New York, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

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On motion by Mr. MACON, the Committee on Finance were instructed to prepare and report a bill to remit the duties which may be payable on a statue of General Washington, to be imported from Europe, executed by the Marquis Canova, for the State of North Carolina.

Mr. TRIMBLE communicated the resolutions and proceedings of the Legislature of the State of Ohio, relative to the tariff on foreign merchandise, and appropriations for roads and canals; which were read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon.

Mr. TRIMBLE also presented a memorial, signed by a great number of the citizens of the State of Ohio, praying for the protection and encouragement of American manufactures; and the memorial was read, and referred to the same committee.

Mr. WALKER, of Alabama, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing two additional land offices in the State of Alabama; one at the town of Tuscaloosa, and one at Conecuh Courthouse.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of the heirs of Anthony Burk," reported the same without amendment.

The Senate resumed the consideration of the report of the Committee of Claims, upon the petition of Samuel F. Hooker; and the further consideration thereof was postponed until the first Monday in February next.

The bill, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes," was read the second time, and referred to the Committee on the Judiciary.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the admission of the State of Maine into the Union," together with the amendments proposed thereto.

Mr. ORIS addressed the Senate this day, at considerable length, in reply to Mr. PINKNEY, and in favor of the restriction on Missouri. His speech is given entire, as follows:

Mr. ORIS, of Massachusetts, observed, that when the bill for admitting Missouri into the Union, at the last session, passed the Senate, he was among those who voted in its favor. It was introduced only a few days before the adjournment, and was certainly not regarded as a measure pregnant with the important interest which had since been attached to it. There was hardly a serious debate about its passing, in which two or three gentlemen only took part. Having, at that time, but imperfect means of examining the merits of the question, he first voted with those who were in favor of a postponement, but finding this was lost, he thought, under the best view he could then take of the question, that the people of that territory, having migrated thither under an expectation of being

placed on the same footing with the States already carved out of the same cession, had some claims to a similar indulgence. But his idea was, that it should stop here, and that all would concur in measures to prevent the further extension of slavery into the territories and the States in future to be erected within them. And if this could now be effected, and the bill for admitting Missouri could be accompanied by such guards and provisions as would forever preclude the spread of that moral pestilence, he should not repent of the oblation he had then offered to the spirit of conciliation. He should, on the other hand, with his present impressions, be inclined to repeat it. But perceiving, as yet, no dispositions promising such a result; and considering that the ground now taken by the friends to the bill involved an absolute denial of the powers of the General Government to make any compact binding on States hereafter to be admitted into the Union; a doctrine against which he altogether protested; he felt it to be his duty to support the amendment. These circumstances would account for, and excuse his indiscretion, in attempting to engage the attention of the Senate, after the display of eloquence with which they had been regaled for two entire days. He was sensible of the disadvantage under which he labored, and could only forewarn the Senate of the disappointment which awaited them, if his rising should be thought to indicate an intention of replying in detail to the argument of the gentleman from Maryland, (Mr. PINKNEY.) Various considerations forbade his making any such effort. He was quite sensible of his own incompetency to follow him through his enchanted grounds. To many of his principles he was disposed to assent. Some of them his recollection could not embody: like the rays of the diamond they sparkled, dazzled, and were gone. And a very large class of his remarks he could regard merely as the gold and silver tissue wherewith the honorable gentleman had enriched the splendid dress in which he had thought fit to present himself to the Senate for the first time. With these exceptions enough would still be left for him to undertake, and this he should do in the order in which his mind had been led to investigate and decide on the question, noticing incidentally, and in his own course, those objections of the honorable gentleman which appeared to have the most immediate bearing on the subject.

It was asserted by gentlemen that a more grave and portentous question had never been agitated within these walls. This he would not deny; and yet he could not consider it a new question. If a stranger to our country, but familiar with our history, upon arriving here, at this moment, and witnessing the perturbation of men's minds, within doors and without, should be told, upon inquiring the cause, that it arose from a discussion of the question whether slavery should be inhibited in your territorial possessions; his first impression would certainly be that this question had been put to rest some three and thirty years ago. I have "read (he would be inclined to say) that the earliest exercise of your authority over the domain

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ceded to the United States, was manifested in a solemn protest against the introduction of slavery into it, and that you thus afforded an earnest of your future policy and intentions in regard to all similar acquisitions of ceded territory. Wherefore, in the ordinance for governing the North-western Territory, did you, with such grave deliberation establish, as one of the fundamental principles of civil and religious liberty, for the regulation of your territories in all future time, the exclusion of involuntary servitude, and why would you now relax a system established in the healthful vigor and freshness of your newly acquired liberty, and bring into doubt principles which were then so solemnly determined?" To these inquiries, he said, he should only be able to answer, "*Tempora mutantur et nos mutamur in illis.*"

If the obligations imposed upon us by the Constitution were rigorous to the extent which gentlemen seemed to insist, our condition was indeed deplorable. If, while the nations of the old world were forming confederations in order to exclude from their own dependencies the future introduction of slaves, and to propitiate Heaven by an attempt to atone for the past abominations of that traffic of the human species, we are not only inhibited from coming into their system, but are really obliged, by treaty, to open a new and illimitable market within our own territories; and while they are contracting the sphere of human misery and servitude, we are compelled to widen its expanse from the Mississippi to the setting sun: then, indeed, is our situation most humbling. It will be in vain, he feared, to compare the youth and purity of our institutions with the decrepitude of the old world, and the rottenness of their systems, if this be our predicament.

If the President and Senate can, by treaty, acquire possessions in all parts of the globe, and bind us to admit them into our Union, without any restriction upon their laws and usages; should he chance to travel through any part of Europe, after these should be admitted as acknowledged principles of Constitutional law, and hear his country branded as a region of hypocrisy, and its people as a race of men, who, with liberty in their mouths, carried rods for the backs and chains for the feet of unborn millions, into a new world; he should stand in need of the speech of the honorable gentleman from Maryland, as the only panoply competent to enable him to repel the point of such injurious accusations, as his own invention would not supply him with a satisfactory answer. Still, if in reality our faith, by treaty, was thus plighted, though he should deem the acquisition of the whole territory a vital misfortune, and should think it would have been happier for us if the Mississippi had been an eternal torrent of burning lava, impassable as the lake which separates the evil from the good, and the regions beyond it destined to be covered forever with brakes and jungles, and the impenetrable haunts of the wolf and the panther; yet, he would not then advocate a breach of the public faith, but he should think it the duty of Congress to recommend a new negotiation with the present beneficent monarch of France, to the end of obtaining

his release from the provisions of a treaty so fatal to our best interests.

In all the discussions of the main question, which had come under his eye, the disputants on each side had placed the Constitution in the foreground, and reserved the treaty of cession for subsequent examination. But to him it appeared more proper to invert this order of inquiry. The people of Missouri had no claims to a participation in the benefits of the Constitution, except such as were derived to them through the medium of the treaty, and so far only as these benefits were alluded to, or secured them by express reference in that instrument. The Constitution was the temple, and the treaty the portico, through which alone they were entitled to admission. In his view of the subject this distinction was extremely material, and he could wish to render it clear. According to the principles of the law of nations, a country, the domain and jurisdiction of which is ceded in full sovereignty to another country, can have no claims to partake in its government which are not to be found in precise terms and stipulations. The right to make war is an attribute of every sovereignty. Conquest is incident to war, and the right to hold a conquered territory follows upon conquest. If peace is made on the principle of *uti possidetis*, without more words the victor disposes of his conquest, and governs it at his pleasure. But if the cession of the conquered territory is extended into special articles, looking to the future condition, and government of the inhabitants, the right of the conqueror is then limited and defined by the treaty alone. The principles applicable to a conquered territory are equally so to a territory acquired by amicable purchase. Louisiana was ceded to the United States in full sovereignty, with all the rights over the same which belonged to France or Spain. Had the grant been comprised in these terms only, it would have been absolute. The United States might have held it forever as a colony, or prohibited its settlement, or governed it by a prefect; and why not have admitted it to a partial enjoyment of State rights? Such an admission might well be conceived to be a boon to the inhabitants. It certainly would have been a relaxation of the absolute right of dominion vested by the cession. What objection could be raised against proffering to the inhabitants of a country, thus unconditionally surrendered, any limited faculty of partaking of the powers of your Constitution, which prudence and policy might induce you to grant? Why should you be compelled to grant to them all or nothing? Why should they be restricted from accepting of a part that would be useful to them, and sufficient for all their purposes, because the whole, which might be unsuitable to their circumstances, or unimportant to their welfare, is unattainable? No conjecture could be raised of any good reason for placing a Government, and its newly acquired subjects, in any predicament respecting each other, which could not be altered or modified by a fair compact; and he could not doubt that either the right to acquire territory under the Constitution must be renounced, (a question now too late to be stirred,) or that the faculty of

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importing to the new domain so much and no more of the absolute power of the sovereign as to him should seem good, must be admitted.

Keeping, then, in view these general principles, he was prepared to examine the treaty of cession in detail, and ascertain how far the absolute sovereignty, right of soil and jurisdiction in Louisiana, was controlled by the special provisions of that instrument. It would, however, facilitate the explanation of his views, to consider who were the parties to the treaty. As to this, he observed, that negatively they were not the white peopled States on one side, and the slaveholding States on the other, as the course of the argument might sometimes almost lead us to conclude. It would afflict him to see the Senate divide into the factions of the Guelphs and Ghibelines, or the white and red roses suspended in the festoons of their tapestry. He should not agree, without a struggle, to give up his right to be considered as the citizen of a common country, of which the gentleman who preceded him was so distinguished an ornament. The parties then were the United States of America, in behalf of the citizens who were original parties to the Constitution, the old States then in the Union, on one part, and Napoleon, First Consul of France, in behalf of the French nation, (of which Louisiana, including Missouri, was a portion,) on the other part. With respect to by far the greater number and most important interests of the people at that time inhabitants of Louisiana, the treaty has been executed to their entire satisfaction, and they have nothing to say. They have been erected into a State, without any exceptionable restriction. To the residue of those inhabitants, now in the Missouri Territory, it was sufficient to say that it was not possible, in the words of the treaty, to make them a State. They were too few, and could have no pretext for claiming this privilege. As to another class—those who had migrated thither from the United States, they could claim no rights in Missouri under the treaty, correctly speaking. They cannot place themselves in the situation of the French subjects who were represented by Napoleon. They were American citizens, and as such, inhabiting the old domain, they were parties under the United States. For any violation of the treaty, affecting the inhabitants of the ceded territory at the time of the cession, the French Government might demand redress; but, in behalf of those whose migration thither is posterior, that Government could not be entitled to interpose. It is undoubtedly true, however, that if, by the sale of your lands, or by permitting other States to be erected in the territory, exempt from the restriction of slavery, or by any other circumstances, these persons have been induced to settle in Missouri, under an expectation of retaining their slaves, it would be repugnant to the principles of equity to disconcert their plans, and liberate the negroes already there. And against this effect they are protected by the amendment. It touches not the property in slaves already introduced, but regards the future augmentation of their numbers. So that justice would be done to all parties to the treaty, in the most ample

sense, and also to those whose claims arise not under that instrument, but under the laws, grants, and acquiescence of the Government of the United States. Thus not a mortal can make any reasonable complaint. Nor is the hardship greater upon the owner of a slave, who is prevented from taking him hereafter into that country, than upon the proprietor of a house or a ship, which cannot be removed. Let us, then, having designated the parties, their rights, and their present attitudes, proceed to those clauses of limitation of the absolute right of sovereignty, which the terms of cession used in the treaty, if not qualified, would import. The inquiry, he readily agreed, should be approached with a spirit of liberality and fair interpretation, and not with the artifices of forced constructions, and the narrowness of its juridical forms. The material words are these:

“The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the meantime, shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.”

Mr. O. would not pause to consider, whether all these words might not be satisfied by imparting to those inhabitants a territorial government, such as they now enjoyed, though much might be urged in favor of such a construction. The First Consul, Napoleon, had, indeed, extended his paternal care to most of the nations in Europe, and taken at least a bird's eye view of the affairs of the United States, and shown a condescending willingness to display his good offices in giving to them a convenient direction. But he doubted how far it was an indispensable consideration with him at the time of making the treaty, that the people of Louisiana should become independent States, and members of the Federal Union. He was a great giver of constitutions, which he took from his own pigeon holes, and hung upon the necks of his allies with chains; but they were generally of a different description from those of the United States. But waiving this consideration, and accepting the phraseology of the treaty in the most popular and liberal sense, and granting that the terms “incorporation in the Union,” and admission to be States, are synonymous terms, the question naturally occurs, what was the condition and character of this union of States at the time of framing the treaty? To this, whatever it might be, both parties, certainly the Ministers of the United States, must be understood to refer. There is no rule more certain in the interpretation of treaties, than that which prescribes a regard to be had to the condition of the parties, and subject-matter of the negotiation at the epoch of its conclusion. At this period the Federal Union consisted of States which had joined the Confederacy under various circumstances. There were the old United States; there were also Kentucky, Vermont, Tennessee, who had come in without the restriction upon slavery, and Ohio, which had acceded to the

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restriction, and adopted it as a part of her constitution. Provision was also made by the ordinance of 1787, (justly styled the immortal ordinance,) for the admission of other States in the only territorial possessions of the United States subject to the inhibition of servitude. All these States were incorporated into the Union at that time. But as the inferences resulting from this ordinance are all-important and conclusive in the illustration of the subject, and applicable as well to the construction of the constitution as of the treaty, (which he should endeavor to demonstrate,) he must crave indulgence to recapitulate its history, and to show in what manner it had become engrafted into the whole body of our laws appertaining to this power of admitting new States. On this topic dates, though dry, become material. The Northwestern territory was ceded by Virginia in March, 1784. In July, 1786, Congress passed a resolution, recommending to Virginia to revise her act of cession, so far as to empower Congress to erect not more than five, nor less than three States, as future circumstances might require, in the ceded territory, which should have the same rights of sovereignty, freedom, and independence, as the original States. In July, 1787, was passed the celebrated ordinance for the government of that territory, establishing fundamental principles of civil and religious liberty as the basis of all laws, constitutions, and governments, which should forever thereafter be formed therein; and providing also for the establishment of States, and their admission to a share in the Federal councils, on an equal footing with the original States. Among these fundamental principles is found a perpetual canon against involuntary servitude. Now, sir, please to observe a most decisive and leading fact. In December, 1788, the State of Virginia, by an act reciting the recommendation of Congress of 1786, and in express words recognising the ordinance of 1787, assents to the proposal made by Congress, and ratifies and confirms the article of that ordinance which contained a repetition of the terms of that proposal; thus giving its solemn sanction and adoption to the entire ordinance, to the extent of her power. No imagination, he believed, could form an idea of a more perfect compact than this. Here were parties, consideration, solemnities, exchange of documents, perfect and mutual intelligence, and due deliberation. Hence it follows irresistibly, that, by the admission of all parties—of Virginia who made, and of Congress which received the cession—the prohibition of slavery to all perpetuity, and in all governments in that territory, was not deemed to impair, in any respect, but to be perfectly consistent with “the sovereignty, freedom, and independence” of the States, and “the original footing” upon which they were to be admitted into the Union. Yet this ordinance had been despatched by the honorable gentleman who preceded him, as an usurpation. But it was an usurpation in favor of the rights of mankind, with the consent of all parties concerned; and Mr. O. cared not at this day whether Congress, under the old Confederation, had power to acquire territory or not. Virginia, who granted, could not have disputed the

title, and any court of chancery would have decided that the grantees took and held an estate in trust for the whole American people. If they could not have held it, there was no title elsewhere to be found. But the recognition of this ordinance does not rest here. He would demonstrate that it had been wrought into the entire system of the Constitution and laws, and interwoven with the very warp and woof, so as to have become a part of the fabric. One of the first acts of the First Congress, under the new Constitution, was framed to infuse new vigor into this ordinance, and to give it full effect, under the new order of things.

In December, 1789, North Carolina cedes to the United States that portion of her territory, since constituted into the State of Tennessee; and expressly refers to, and establishes, so far as her consent could do it, this same ordinance, excepting, however, the slave article, (thus implying that, without the exception, she would be bound by it,) and this cession is accepted by Congress soon after the adoption of the new Constitution. In April, 1798, an act of Congress for the amicable settlement of the limits of Georgia makes this ordinance, with the same exception, the basis of all the rights and privileges of the people of the Territory. In May, 1800, the very first section of the act relative to the territory ceded by Georgia, sets up and extends this ordinance to that country, by express reference; again, in April, 1802, the articles of agreement between the United States and the State of Georgia, for the cession of the Yazoo lands, recognise the authority of the same ordinance, and stipulate for the future admission of the ceded territory “into the Union,” on the same conditions and restrictions, and with the same privileges, and in the same manner, “as is provided by that ordinance.”

Such being the state of facts connected with this ordinance, at the time of making the Louisiana treaty, it is altogether inconceivable that the American Ministers, in constructing an article which looked to the future incorporation of States from a territory which was to be transferred to the United States, should lose sight either of an ordinance, or of the practice under it, which contained the fundamental principles that had been recognised and adopted in every former instance of the admission of a “territorial” State. It is equally impossible that the framers of the treaty should have intended to tie up the hands of Congress from the power of “incorporating the inhabitants into the Union,” in the same mode that the inhabitants of other territorial possessions, or any of them, had been so incorporated. Hence, it irresistibly follows, that Congress, by incorporating the people of Missouri into the Union, upon the same principles and with similar restrictions to those which at the time of that treaty had been actually moulded into the constitution of Ohio, and which were promulgated and established as fundamentals for the future States to be erected in the Northwestern Territory, would execute the treaty not only in the spirit, but to the very letter. But they were not only to be incorporated in the Union; they were to be admitted, according to the principles of the Federal Con-

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stitution, to the enjoyment of all the rights, immunities, and advantages, of citizens of the United States. What, then is a just description of rights, immunities, and advantages, derivable from the Constitution of the United States; for it is these alone which fell within the scope of the authority of the negotiators of the treaty on your behalf? They were not intrusted to bargain for any rights or immunities which the people acquire from a State or a State from the people. He denied, unequivocally, that what was called the right of self-government in the people, or the faculty of making a State constitution, proceeded from the principles of the Federal Constitution. On the contrary, it was an original right in the people of the several old United States, vested in them by the laws of nature and nations, when sovereignty was cast upon them, and they were compelled to form these governments for themselves. This right in those old inhabitants was paramount to the formation of the Federal Constitution, and had been exercised before it breathed the breath of life. It was physically impossible to place the people of the subsequently acquired territory, and the States hereafter to be formed, in the same precise relation to the Union, that exists between the Union and the citizens of the old States. In the latter connexion, all that is not granted to the Union is reserved to the States. In the former, all that is not granted to the new State is reserved to the Union. In one case, the States are the sources of power, and the Constitution is the reservoir; in the other, the people of the United States are the fountain, whence must issue the streams destined to fertilize and irrigate the ceded territories, and Congress, as their agents, may and ought to prescribe the course and direction, and erect the mounds and the dykes which a regard to the common welfare may demand. In a word, he insisted, in reference to the two cases, that in one the States were the grantors, and the Constitution the grantee, and that in the other, the grantor is the Constitution, and the grantees the territorial States. The principles of the Constitution had no bearing on one class of these relations. Principles are postulates which constitute the essence of the subject to which they relate, which make it what it is. But there are no principles touching the municipal relations between States and citizens in the federal compact, except that a republican government shall be guaranteed. For the rest, the treaty stipulations determine that the inhabitants of Louisiana, when incorporated, shall be eligible to be Presidents, Vice Presidents, members of Congress, and capable of sustaining all offices under the Constitution, civil and military, and entitled to their fair and proportionate share of all the great contracts and little contracts, and to all sorts of privileges and advantages enjoyed by any other citizen of the Union in that capacity. But it does not secure to them that they shall be admitted without the slave inhibition, as was Tennessee; nor absolutely subject to it as were the Northwestern territorial States; but that either one or the other of those modes of admission should be adopted in the discretion of Congress, exercised under a future view of all circumstances.

This is sufficient for all purposes; and it is an unreasonable complaint from the lips of those who have been the subjects of a despotic government, that they are degraded by being placed on a level with the vigorous and flourishing States of Ohio, Indiana, and Illinois; whose Senators and Representatives would be close upon his heels, and with great reason, should he contend that they were not sovereign States, on the same footing with the original associates. He was not disposed to expatiate upon the import of other words used in the treaty. He admitted that slaves, considering how valuable a portion they constituted in a part of Louisiana at the epoch of the treaty, ought to be comprehended in the term "property," and protected as such: a just confidence was entertained, no doubt, that they should be preserved and protected, and that slavery would be permitted in that part of the territory where that unhappy condition of society existed; and that, where it did not, a sound discretion would be exercised by Congress. On this ground the State of Louisiana is not inhibited from holding slaves; and on this same ground the amendment does not affect slaves already in Missouri. All abstract discussions, therefore, on the philological meaning of the term "property," were, in his humble opinion, superfluous, on this occasion.

Having shown, as he thought, conclusively, that no impediment could be found in the treaty of cession to the annexation of the proposed condition to the charter requested by Missouri, Mr. O. was prepared to investigate the objections suggested as arising from the Constitution. As his entire reliance was placed upon the express power, and he felt not the least necessity of resorting to any constructive or implied authority, he should advert to certain clauses of the Constitution, cited on both sides, in which no express power was apparent, merely for the purpose of laying them out of his course. The first of these was the article respecting the migration or importation of slaves. The opponents of the amendment were welcome to that article and to any construction which they had seen fit to attach to it. He had no disposition to impair the force of the arguments of his friends, deduced from that article. They might be satisfactory and conclusive in their estimation, but he had always believed that the scope of that article embraced the mischief (and that only) of bringing slaves into the United States from foreign countries; that importation had allusion to the bringing in by water, and migration to the introduction by land; but that it never was contemplated to prevent a proprietor of slaves from taking them from one of the old States into another.

In support of this construction, Mr. O. recurred to the journal of the Federal Convention, and traced this article from the original report through the various amendments, and to its final adoption in its present form. As, he said, he gathered no assistance from that article, so he found no obstacle in another, which had been cited by the honorable gentleman from North Carolina, (Mr. MACON.) He meant that which provided for the apportionment of representatives and taxes, by the

Constitutional ratio, on States "hereafter" to be admitted into the Union. The framers of the Constitution well understood that Kentucky and the western division of North Carolina would, at some future day, be admitted into the Union, and probably other States in which slavery was already existing. They merely intended, in that event, that the same ratio should be applied; and against this claim nobody contends. If Missouri is permitted to tolerate slavery, no doubt her political weight will be augmented by the whole number of slaves. If any inference arises from this consideration, it certainly is not in favor of allowing that right. This article in the Constitution, therefore, proves nothing to the point in controversy. Mr. O. said the provision of the Constitution on which he placed his sole dependence, and considered clear and all-sufficient to support the claim of right to annex conditions to the admission of a State, was the third section of the fourth article, which conveys the power of admitting new States and of disposing of and regulating the Territories. Let us occupy a moment in fixing the definition here intended of the term State. It is a word of various signification. Every independent community is a State. Turkey is a State, so is Russia, and the various European Governments, and so are the States of Barbary. The States' General of the United Provinces used to designate the individuals who represented them, and the term foreign States is used in our Constitution as a collective name and description for all foreign nations. But none of these denominations of States can be intended by the phrase in the Constitution, "New States may be admitted into this Union." We all agree that these words must refer exclusively to Republican States. Now, the condition of the United States and its territory at the time of forming the Constitution, was this—some of the existing States might not at first accede to it. New States (as happened with Kentucky and Tennessee) might, and it was expected would, be formed within the jurisdiction of old States. Other new States, it was distinctly understood, would be formed within the Northwestern Territory. The provision for the admission of new States was, then, beyond all controversy, intended to apply to all these descriptions of States. Of consequence, it comprehended the States whose erection and establishment was provided for in the ordinance of 1787. But to these, the inhibition of slavery was attached, as well as other conditions; and thus it follows, to perfect demonstration, that the term "new States," in this clause of the Constitution, imported all such States as were then ready, or as were expected to be ready, to join the Union; which is all that is required to be proved. In short, this article was intended to provide for the admission of the Northwestern Territorial States, as well as others, or it was not. If it did look to them, it looked to States to which conditions were annexed, and the exclusion of servitude among them. If it did not regard them, there is no other article, in virtue of which, Ohio, Indiana, and Illinois, or indeed any Territorial State, could be admitted; and they ought not to be considered

as members of this Union. In short, he put it to the Senate with the utmost confidence, that no man could read the ordinance so often cited, and think of the advances then already made by the people of Ohio in population, and their preparation to become a State, and deny that the framers of the Constitution had them in their view, and prominently so, in framing that article. And if that were true, it of itself made an end of all question as to the Constitutional power. If that one fact were granted, it was enough for him. For that fact alone, by showing that the States mentioned in the ordinance were among those mentioned in the article, is entirely conclusive to show that a species of new States might be admitted into the Union, upon which conditions should have been imposed by Congress.

But, sir, said Mr. OTIS, the fair and undeniable conclusions resulting from this article, do not rest here. By the same article, Congress have power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States. Much stress had been laid, and with great propriety, upon the latter branch of this power—that "of making the needful rules," &c., but none that he had yet seen or heard upon the first words "to dispose of," &c. It was taken for granted that these words imparted to Congress merely the faculty of selling the territorial lands. But he claimed for them a much greater latitude. The verb "to dispose," signified not merely to sell, but to "adapt," "to form for any purpose," "to apply to any purpose," "to place in any condition," &c. These are definitions not merely to be found in a dictionary, but such as had, by legislative construction, been applied to this very subject. In the 3d section of the act enabling the people of Ohio to form a Constitution, is provided, among other things, that all that part of the territory not included within the boundaries of the State, shall be attached to Indiana, subject to be hereafter "disposed of" by Congress, according to the right reserved in the 5th article of the ordinance. Upon advertising to this article, it will be found to prescribe the manner of forming States, and of admitting them into the Union, and not at all to the sale or alienation of the lands. Of consequence, the power to dispose of the territory of the United States, expressly delegated to Congress by the Constitution, is to be executed afterwards, in the same mode that it had before been exercised, under the Confederation. That is to say, by forming it into States, agreeably to its pleasure and discretion, and with such conditions as (without infringing upon a republican form) its views of policy might dictate and require. Here, then, said Mr. O., is found an express and indubitable power, couched in language free from ambiguity, to admit new States, and to bind them by compact to the observance of just and moral conditions. In pursuance of this authority, limitations have uniformly accompanied the grant of the power to frame State constitutions. The very assignment of boundaries is in the nature of a condition; so are restraints upon the right of taxation; the language of judicial proceedings; the security

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of trial by jury, and of *habeas corpus*: all of which are subjects of municipal jurisdiction in the old States; of the navigation of rivers; the reservations of mines, and of the soil itself. If Congress possessed no discretion in these particulars, the entire territory of Louisiana, according to the letter of the treaty, should have belonged to those who were inhabitants at the time of the cession, and been admitted, as one State, into the Union; for the requiring the inhabitants of one part to confine their jurisdiction to a limited tract, was equivalent to imposing a condition that they should renounce the residue; for which, it might be said, the treaty afforded no justification.

Without this power of annexing conditions, the United States, he said, would be a strange anomaly in the society of nations—compelled to admit to their bosom, and to a participation of their fundamental powers and privileges, without terms or restrictions, any people in whatever part of the world, which the Executive Government should acquire by treaty, however alien their laws and usages might be from those of our own nation. For it is insisted that a colonial policy is abhorrent, from the genius of our Constitution, and that States must be formed as soon as possible in all our possessions. He believed no nation on earth but ourselves were ever placed in such a predicament, nor did he perceive how a sovereign State could ever form a union with a foreign sovereign or people without such a power. On the same foundation, alone, could Scotland be held to the restrictions imposed by the articles of union with England. Cases, and those by no means extreme, might be imagined, in which the exercise of such a power would be indispensable to the safety and policy of the principal State. It is not long, for example, since the feudal system prevailed in France; and the Inquisition, though with features somewhat relenting, still holds its iron sway in Spain. Louisiana has belonged to these nations in succession. He knew not whether feudal tenures had been ever introduced into that country; but there was nothing extravagant in the supposition that they, or at least some of the badges of feudality, might have been there tolerated. If such had been the circumstances, should the United States be held to admit new States in that territory, without stipulating for the abolition of these tenures? Must we have subjected our citizens migrating thither to all the oppressions of villanage, of aids and services, and the detestable bondage of the feudal vassals? Or, if a branch of the Inquisition had been established there, could we not have interposed to put down that pillar of an established religion? Or, if the torture had been practised as it was under the civil law in France and Spain, could no controlling power be retained by any compact or agreement to extirpate that abomination?

Mr. O. said he would suppose another case, not likely to happen, but yet, as he trusted, not outrageously improbable. There were, as was well known, in many parts of this country, societies of persons called *Shakers*, of good moral characters, and exemplary habits of industry, whose funda-

mental doctrines were founded on the duty of celibacy. They are also a rich people, and, in some of the States, experience interruptions in their endeavors to augment their numbers, and inconveniences from laws which press upon their consciences, especially in military concerns. Imagine, sir, said he, all these sects combined and determined to make a pilgrimage, and become sojourners in this new country of promise. Figure to yourself four or five thousand adults of both sexes, with their children, in separate and dismal processions, marching beyond the Mississippi until they should find a spot suited to their occasions; then halting, and sending you a missionary, with the intelligence of their demand to be admitted as a State. Are you bound to admit them without a stipulation that they shall make no laws prohibiting marriage, at the moment you know this to be the main design of their emigration, and thus secure to a sect of those peculiar and anti-social tenets a monopoly of the entire State, and a power of virtually excluding from its jurisdiction the great mass of your citizens? There is no end to the instances which might be multiplied, wherein your interference would be indispensable for the protection of your citizens and the prevention of contagious customs and institutions adverse to the policy and nature of our Government. The consequences of the doctrine maintained on the other side would be detrimental to the Territorial inhabitants; it would create a reluctance to admit them at all into the Union. Besides, if compacts of this description would not be obligatory hereafter, those already framed are void, and being void in part, are wholly null. Hence would arise uproar and confusion wild: all things done under the ordinance, and the laws which recognise it, are liable to be abrogated. The great and flourishing State of Ohio, and her contiguous neighbors, and all that is fixed to their soil, should of right revert to the Union, and the grants of Georgia and North Carolina are *ipso facto* rescinded; for the subject-matter being not within the powers of the Constitution, all contracts respecting it, or growing out of it, must be void.

Here, then, Mr. O. said, he might safely rest the question. Language could not furnish a power more clear and express than the Constitutional article to admit new States; and, having these express words for his basis, he would again request nothing better than the speech of the gentleman from Maryland; not his speech of yesterday, but the model of forensic argument and eloquence which he had exhibited in the case of the Bank of the United States, to show that the faculty of imposing conditions was among the necessary derivative powers, even if the meaning of the word *states* was not as explicit as he had shown it to be.

In the view which he had thus presented of the subject, Mr. O. said, he had endeavored to establish principles, which, if sound, contained a substantial refutation of the most important dogmas advanced by the honorable gentleman from Maryland, though not in the order in which they had been arranged by him. He would, therefore, pass

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rapidly over a review of some of his objections, though his answers might seem like repetitions in another form, of a portion of his previous remarks; and if, among the specimens of brilliant ores and gems that were scattered through the honorable gentleman's collection, he should occasionally find some whose genuineness he doubted, he would take leave to point them out, though his unskilful finger might disturb the beauty of the whole arrangement. The honorable member had dwelt with great pathos upon the enormous character of the power claimed for Congress under the Constitution, and its consequent liability to abuse. But the power of full sovereignty is in its nature enormous. If the United States are capable of taking and holding a grant in full sovereignty, there is no security against their abuse of powers, except what arises from the character of the people and their institutions. Here, however, limitations are provided by the treaty. There can be no abuse of power where the inhabitants are entitled to all the rights of citizens of the United States.

It has been also contended, that, as Congress has not the Constitutional power to establish, so neither is it competent to abolish slavery. To this he answered, that the attempt was neither to do the one or the other; but to prevent its introduction, by a fair compact, into a new region, where it had not been established by law. He disavowed entirely the right of Congress to interpose its authority in relation to slavery in the old States, and protested against the wish or design to promote a general emancipation of their slaves, nothing doubting but that such a measure would be pregnant with evil to master and man. A more important principle asserted by the honorable gentleman, he said, was this: That when Missouri becomes a State, she would acquire, *ipso facto*, the right to abrogate our restrictions as an incident to State sovereignty. This assertion is, in fact, begging the question. If, by the Constitution, conditions may be imposed as precedent to her becoming a State, they cannot be rescinded by Missouri in her capacity of State. There is the widest possible distinction between legislating upon the internal concerns of a State, after she assumes that character, and framing a compact by a legislative act previously to that event, which is to constitute, prospectively, the fundamentals of their future Constitution. In order to effect the latter object, it is necessary only to settle the question, whether the inhabitants of a territory have a capacity to contract? If they are destitute of this power, there is no safety in dealing with them, no security for any of your reservations, for your exemption from taxation on your own lands, for securing the trial by jury, or habeas corpus, or any other privilege. If they, on the contrary, are capable of making a compact, how can they become entitled to commit a fraud by breaking it, in consequence of changing the form of their community? If they can bind the United States they can bind themselves. If they can claim charter rights, they must be held to the performance of charter obligations and conditions. The people of the United States have framed a Constitution; but their debts,

contracts, and obligations, antecedently incurred, have not been, and can never be, with justice or honor, renounced. It would be a most unhappy exposition of State rights that should render the opposite theory convincing to the nation: its moral would be, that no good faith could be expected from a territorial population, and its corollary, that no bargain should be made with them.

It has also been strenuously urged, that you cannot exact from one State considerations for her admission which you dispense with in others, and that Missouri, reduced to a pigmy, a shadow, with amputated limbs and restricted faculties, would not be a State within the meaning of the Constitution. But, he replied, there is not an exaction of any consideration whatever in the proposed instance. A consideration is doing or forbearing what the party granting it may lawfully do or forbear. But Missouri neither does, or refrains from doing, any thing for the benefit of the Union. She requires a boon; it is offered on conditions demanded by your views of right and policy. She may accept or not. Whether she would be a State on an equal footing, he must again leave to the honorable members from Ohio, Indiana, and Illinois. Let them decide whether they conceive themselves to be members of degraded States, shorn of the rights of freedom and independence. He should not like to face the storm that would gather over him who should undertake to prove this to their faces.

Again, it is insisted, that you cannot make a grant and annex to it conditions repugnant to its nature, which must defeat its operations. Here, he declared once more, with all due respect, was another *petitio principii*. The condition was precedent in its nature, independent of the grant, binding before it goes into operation. It takes nothing from the State, but imposes a disqualification upon the people of the territory before they become a State, which binds them in good faith from doing afterwards an act affecting injuriously the interests of those from whom the grant of State power is derived. To illustrate the principle by an example from common life: If a man, having an estate and children, should promise his nephew to make him equal to his children, by giving him, at a certain period, a share in the estate, and, upon his claiming the performance of his promise, the donor should require from him a stipulation that he should bring no dogs upon the farm, there being already more kept in the family than was consistent with the safety or convenience of the actual occupants, there would seem to be, in such a request, nothing unreasonable, and in the agreement nothing repugnant to the equitable performance of the promise. No ridiculous, or invidious, or degrading allusion, however, was intended by the comparison of the cases.

Great stress, he observed, had been placed, not only by the honorable gentleman from Maryland, but by the honorable gentleman from North Carolina also, upon the presumed analogy between the controversy of Great Britain and the colonies and the relations of the United States and Missouri, if the amendment should prevail. But he denied

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that the revolt of the American colonies originated in their unwillingness to conform to the terms of their charters. The reverse of this is the truth. It was the violation of chartered rights by the mother country which forced the colonies to resort to arms. But he did not believe the good people of Missouri would have recourse to such an extremity, in pursuit of a right which they should have relinquished. They would find no supporters or allies in a cause odious and unjust.

We are admonished, sir, said he, of the distance of the proposed new State. With distance, it is eloquently repeated, even despotism must truck and huckster. But the very distance furnishes a sufficient reason for peopling the country with inhabitants whose strength and resources will not be impaired by a slave population. We are also apostrophized to know why we object to the diffusion of slavery? Whether it is not to force manumission? And it is added that we cannot get rid of those who are emancipated; but, by opening the door, the master and slave will migrate together, and the condition of both will be meliorated—while, in the other event, the master will go and the slave stay, and the state of all those who are left behind will be still more unfortunate. All the arguments, he said, which had been pressed upon these points proceeded upon the admission that a redundant slave population was an evil, and an evil too whose tendency was to increase. He certainly was not now prepared to go into a consideration of the nature and extent of this evil in the old States, or of any present or future remedy. It was, however, a subject of most serious reflection, from which the Congress of the United States could not always escape. It was a common concern, and he doubted not that the wisdom of the nation would, in sufficient season, find some adequate means of relief for the threatened calamity, and to this end, and in reasonable measure, supply the needful funds. But, it was enough for his present purpose, that opening the door would aggravate the evil, and spread it far and wide. If it were now an acknowledged evil in the old States, it must speedily become so in the new ones. Congress is the guardian of the rights, not of the present generation only, but of posterity; and, however remote might be the period, the time must happen when the inconveniences of a slave population, whatever is their nature, would, if the amendment were rejected, be amplified to an extent that would be absolutely remediless.

In considering the expediency of the proposed measure, Mr. Otis observed that he should confine himself within very limited bounds. It involved a prodigious variety of topics, on which he could not touch without being misunderstood. Besides, all the principal views of which the question was susceptible had been exhibited in various publications. He would not attempt to describe the effects of slavery upon the state of society in which it existed. He would leave that exclusively to the judgment and opinions of the individuals composing that society. With respect to those persons, as individuals, he was ready to admit that he believed them to be as wise, as good, as just, and as

generous as those of any other section of the country. Among them he should be at no loss to choose his friends or his executors. Every man felt, or ought to feel, a predilection for his dear and native home. He felt it in its full force without any illiberal prejudice towards other States or their citizens. It was also a great error to impute to the North an antipathy and cold feeling of security respecting the situation of the South in the particular of their slave population. Whatever difficulty, embarrassment, or danger could be foreseen, connected with that object, must affect the entire Union; and called loudly upon their combined intelligence and fraternal feelings to adopt the preventives as it would to apply the remedy. These remarks he made in no spirit of adulation, but of sincerity. He would acknowledge, too, that, in supporting the amendment, he was not influenced by maxims or inductions from any religious or moral code, that might serve as a rule for his private conduct, or for his opinions as a man. Neither did the claims of humanity, as affecting the wretched beings who were doomed to bondage, decide him in his course on this occasion. He looked to it entirely as a question of policy, affecting the equitable rights of the various parts of the Union, and the security and welfare of the whole people now and hereafter.

It might be conceded that the condition of the slaves would be improved by opening this flood-gate, and the whole force of his motives would still be in reserve. His charity and humanity began at home. He rested on the solitary ground of an admitted political evil, which slavery was acknowledged to be, and which he conceived it to be in a variety of particulars; and then inquired whether its introduction into this new world would not tend to promote its indefinite extension? If so, could he rightfully, and was he bound in conscience and duty, to oppose a barrier to its progress? This he would do first, and meet the evil afterwards, in its compressed and inevitable shape. In this light, he regarded the diffusion of slavery as pregnant with great injustice and danger. It was not only unjust in reference to the white peopled States, but it was bringing into contact with foreign nations, with England, Spain, and perhaps Russia, a weak frontier and the degraded instruments of intrigue and revolution, which their owners might not be able in process of time to hold in check. On the other hand, let the country be settled by a white population, and the security of the slaveholding States would be increased, and the strength of the whole nation essentially promoted.

There was a subject on which he never thought, in connexion with the present inquiry, but with uneasiness and regret, and to which he would now do no more than slightly allude. It was the state of affairs in the black empire, rising up in the Atlantic, so far as it was open to an examination. There was a phenomenon which modern times had not witnessed—a nation of black people, intent upon improving in the arts of civilization, bold, fierce, and warlike, and growing more and more capable of ruminating and feeling for the op-

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pressions inflicted upon their race from time immemorial. First, or last, these people will be acknowledged as an independent State, and commerce will give them access to all parts of your country. Whenever he imagined Louisiana peopled by slaves, scattered in immense groups throughout that vast region; and the face of the country itself; possibilities resulting from an intercourse with St. Domingo, rushed upon his mind, which it was enough merely to intimate, to be understood. He would then leave the question of expediency, inexhaustible as he felt it to be, with these few general remarks, being unable to agree to any measure which should counteract the spirit of the age, by increasing the mischiefs of slavery to a degree boundless in extent, and perpetual in duration, and to entail on posterity a scourge, for which we reproach the memory of our ancestors.

WEDNESDAY, JANUARY 26.

On motion by MR. SANFORD the respective claims of Moses Atwater and John Despard, on account of property destroyed during the late war with Great Britain, were referred to the Committee of Claims.

MR. SANFORD presented the petition of Mathew Carey and others, inhabitants of the city of Philadelphia, engaged in the manufacture of printed books, praying protection and encouragement; and the petition was read, and referred to the Committee on Commerce and Manufactures.

MR. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Michael Pepper, of Preston, in the State of Connecticut, praying a pension, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

MR. VAN DYKE, from the same committee, to whom was referred the petition of John Taylor, of the city of New York, mariner, praying a pension, also made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

MR. HUNTER presented the memorial of the President, Directors, and Company, of the Merchants' Bank of Newport, Rhode Island, praying the repayment of certain stamp duties, for reasons stated in the memorial; which was read, and referred to the Committee on Finance.

MR. HUNTER also presented the petition of Jacob Babbitt, merchant, of the port of Bristol, in the State of Rhode Island, praying the remission of duties on a large quantity of sugar, which was totally destroyed by the great storm on the 23d of September, 1815, as stated in the petition; which was read, and referred to the Committee on Commerce and Manufactures.

MR. THOMAS submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Carmi, in White county, in the State of Illinois, by Mount Vernon, in Jefferson county, to Carlyle, in Washington county, in the same State.

MR. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Jennings O'Bannon, and the bill was read, and passed to the second reading.

MR. RUGLES presented the petition of Sarah Macomb, widow, and executrix of the late William Macomb, of Detroit, in the Territory of Michigan, praying that his legal representatives may be confirmed in their title to the island of Grape Isle, as stated in the petition; which was read, and referred to the Committee on Public Lands.

MR. WALKER, of Alabama, presented the petition of Thomas H. Boyles, praying a patent may issue in his favor for certain lands, as stated in the petition; which was read, and referred to the Committee on Public Lands.

MR. WALKER, of Alabama, also submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of protecting any occupant in his possession, when the land on which he shall have settled shall be sold, after the month of March in any year, until he shall have made and gathered his crop.

MR. MELLEN submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from the town of Sedgewick, to the town of Deer Isle, in the District of Maine.

The Senate resumed the consideration of the motion of the 25th instant, for instructing the Committee on Public Lands to inquire into the expediency of establishing two additional land offices in the State of Alabama, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations to supply the deficiency in the appropriations heretofore made, for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's house, and the erection of two new Executive offices," in which bill they request the concurrence of the Senate.

The credentials of WILLIAM LOGAN, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last, were communicated and read.

The resolutions of Mr. DICKERSON for amending the Constitution were further postponed to tomorrow.

MR. JOHNSON, of Louisiana, presented the petition of the heirs and executors of John O'Conner, praying to be confirmed in their claim to a certain tract of land on Buffalo Creek, in the State of Mississippi; and, also, the petition of Hyacinthe Bernard, of Louisiana, praying to be confirmed in his title to certain land, as stated in the petition; and the petition was read, and referred to the Committee on Public Lands.

JAMES WARREN.

MR. ROBERTS, from the Committee of Claims, to whom was referred the petition of James War-

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ren, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read. The report is as follows:

The Committee of Claims, to whom was referred the petition of James Warren, submit the following report: The petitioner states that he was a lieutenant on board the Alliance frigate in the Revolutionary war, commanded by Captain Peter Landais, which vessel took certain prizes, and carried them into the port of Bergen, in Norway, from whence they were given up to the enemy by the Danish Government. The petitioner prays the payment of his share of said prizes. The annexed report from the Department of State shows that, though the Government has never abandoned the claim on the Danish Government for the value of these prizes, there is no reasonable hope that any thing will be obtained. The committee think it unnecessary to remark further on this subject, and submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

DEPARTMENT OF STATE, Jan. 22, 1820.

SIR: I have the honor of enclosing, for the information of the committee, copies of a letter from the Secretary of State (Mr. Monroe) to the Danish Minister, Mr. Pedersen, dated the 14th of December, 1812, and of his answer, dated the 19th of the same month, since which there has been no further communication with the Danish Government relating to the claim upon which the petition of James Warren, herewith returned, is founded. The impression of this petitioner that the Danish Government ever ordered any part of this claim to be paid to the American claimants appears to be unfounded. It has never been, on the part of the United States, abandoned; but it has long since ceased to be an object upon which negotiation could offer any prospect of success. I am, &c.

JOHN QUINCY ADAMS.

JONATHAN ROBERTS, Esq.,

Chairman Committee of Claims, Senate.

DEPARTMENT OF STATE, Dec. 14, 1812.

SIR: It is perhaps known to you that, in the year 1779, the United States frigate Alliance, Captain Landais, took three prizes, which were carried into the port of Bergen, in Norway, and were afterwards delivered up to the captured, upon the demand of the British Minister at your Court, on the ground that the King of Denmark "had not yet acknowledged the independence of the colonies associated against England."

The legal claimants have never ceased to expect from the Government of Denmark the payment of the value of these prizes, which was computed at fifty thousand pounds sterling, including the cargoes of the three captured vessels, viz: of the ships Betsey, Union, and Charming Polly.

Some of these claimants have lately heard that your Government has directed the payment of that money to them. I shall be glad to know of you whether such an order has been issued, and, in case it has, in what mode it will be executed. This Government takes much interest in obtaining for the parties a sum which is believed to be justly due to them, and I should be happy in being able to confirm to them the report of the favorable disposition of your Government in that respect which has reached them.

Should no step have been already taken, I have to

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request that you will have the goodness to bring the claim before your sovereign, and to obtain his decision on it. I have the honor to be, &c.

JAMES MONROE.

PETER PEDERSEN, Esq.,

Chargé d'Affaires from Denmark.

PHILADELPHIA, Dec. 19, 1812.

SIR: I have had the honor to receive your letter of the 14th, and observe that a report had reached you of my Government having directed the payment of the money claimed on account of three prizes, which, in the year 1779, were carried into the port of Bergen, in Norway, but afterwards delivered up to the captured, upon the demand of the British Minister, on the ground that the King of Denmark had not acknowledged the independence of the then colonies associated against England.

In reply to your queries relating to this subject, I beg leave to observe that my Government, although perfectly ready at the time to enter into a friendly negotiation on the above-mentioned claim, had never admitted it as a fair and legal one, and it has for many years already considered it as a superannuated and abandoned affair.

When, in the year 1806, Captain Landais petitioned Congress for relief, and the above claim, in consequence thereof, was reported upon and exhibited to Congress, I considered it my duty to protest against it, (as will be seen by reference to my letter addressed to the then Secretary of State, dated February 17, 1806,) particularly so as it appeared to me that the renovation of that ancient pretended claim upon my Government then had, and I fear ever since has had, the unfortunate effect of retarding the favorable final decision of two acknowledged very fair claims upon the Government of the United States for the Danish vessels the Mercator and the Hendrick; although these have not the most distant connexion with the above-mentioned, and therefore in equity ought not, and I hope will not much longer, thereby be affected.

In having the honor of submitting to you these observations, I must, however, acknowledge that I am without any late information from my Government. You will, in the mean time, perceive, sir, that the correctness of the rumor above alluded to is not very probable; and, although I regret extremely that the Government of the United States at this time should desire this claim to be renewed and examined into, I shall, in compliance with your request, avail myself of the first opportunity for submitting to my Government a copy of your letter, accompanied with such observations as the occasion may require. I have the honor to be, &c.

P. PEDERSEN.

Hon. JAMES MONROE, Sec'y of State.

Mr. ROBERTS, from the same committee, to whom was referred the petition of John Nicholls, also, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

AMENDMENT TO THE CONSTITUTION.

Mr. NOBLE communicated the following resolutions of the Legislature of the State of Indiana, which were read:

Resolved by the General Assembly of the State of Indiana, That they do concur in the amendment to the Constitution of the United States, proposed to the consideration of the several States, by the State of Pennsylvania, which is as follows, to wit:

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"Congress shall make no law to erect or incorporate any bank or other moneyed institution except within the District of Columbia; and every bank or other moneyed institution, which shall be established by the authority of Congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia."

Resolved, That our Senators and Representatives in Congress be requested to use their exertions to procure the adoption of the foregoing amendment.

Resolved, That the Governor of this State be requested to transmit copies of the foregoing proposed amendment and resolutions to each of our Senators and our Representative in Congress, and, also, to the Executives of the several States, with a request that they lay the same before the Legislatures thereof, soliciting their co-operation in procuring the adoption of the foregoing amendment.

MAINE AND MISSOURI.

The Senate then resumed the consideration of the Missouri question.

Mr. SMITH, of South Carolina, observed, that, after the Senate had heard from the honorable gentleman from Maryland, (Mr. PINKNEY,) a speech of five hours in continuance, not less distinguished for its logical and unsophisticated reasoning, and its pure, classical style, than for its unrivalled eloquence and brilliancy of fancy, and which had been preceded by a number of eloquent speeches from other gentlemen, on the same side of the question, he could hardly indulge a hope that the Senate would believe, at this late hour of the discussion, any further light could be shed upon it. But, as he believed this to be a more important subject than any which had agitated the public mind since this Government had been established, if the Senate would have the goodness to give him their attention, he would beg leave to present his humble views. He knew many gentlemen thought the subject already exhausted; and he would, therefore, that he might not contribute further to weary the patience of the Senate, carefully avoid touching those points which had already been so ably treated, and so luminously explained by others. If he should, it would be to give them a different construction, and from reasons different from those which had as yet been applied.

The first clause of the ninth section of the first article of the Constitution of the United States, in the following words, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person," has received a different construction by different gentlemen, on both sides of this question; and he would beg leave to give it his construction. The Constitution of the United States is the supreme law of the land, and, like all other laws, when any doubts arise as respects its meaning, some fixed rules must be resorted to by which these doubts can be solved. The rule laid down by one of the greatest jurists known to us, (Judge Blackstone,) is, to ascertain, by the fairest and most rational means, the intention of the law-giver at the time

the law was made or enacted. This is done in various ways; either by the words of the law, by the subject-matter, the context, the effects and consequences, or the reason and spirit of the law itself. This rule has not only the sanction of Judge Blackstone's opinion, but it has the sanction of reason on its side, and which no honorable gentleman of the Senate would controvert.

In looking to the reasons, you must employ all the grounds necessary to ascertain for what purpose a particular principle was adopted; and, if the words of a law are doubtful, to ascertain what particular cause led to the use of those words in that law. In doing this, different gentlemen had presented to the view of the Senate, different reasons why the words "migration or importation" were used in this section of the Constitution. Those gentlemen who pressed the principle of restriction, did it on the authority of the words migration or importation. They say the slaveholding States refused to subscribe to the Federal Constitution, unless it should be conceded to them by the non-slaveholding States, that they should be permitted to continue the further importation of slaves from Africa, until the year 1808; and in compromising the principles upon which the Constitution should be framed, they yielded to the General Government the right, after that period, to restrain the migration of slaves from one State to another, and hence they pretend to derive the power vested in Congress to inhibit the admission of slavery into the State of Missouri. They have some other grounds, which they deem auxiliary, and which he would examine presently, but the preceding was their strong ground. For this construction they offer no reasons but that it comports with the general principles of free government, and the spirit of the Declaration of Independence.

On the other hand, gentlemen who oppose the right of restriction have given a different construction, and think that the word "migration" is coupled with the word "importation," and is synonymous, and that the import of it is entirely foreign; that it does not relate to our domestic relations, and could never be intended to regulate the internal distribution of our slaves, [Mr. Pinkney, of Maryland.] Some other constructions had been presented, and enforced by strong arguments, [Mr. Walker, of Georgia.] These grounds of construction had been in abler hands than his, and he would not disturb them; but he would repose his solution of these words on a ground which had not yet been presented to the Senate, by any gentleman on either side. He would draw it from the Declaration of Independence itself; and, for that purpose, would beg leave to read the first clause of that declaration, in these words:

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to a separation."

It then speaks of a long train of abuses and usur-

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pations imposed on us by the King of Great Britain, whose yoke we were then about to shake off; to prove which a number of facts are submitted. In the specification of these facts, distinctly and separately set forth and enumerated in that declaration, there are none more conspicuous than the following. In alluding to these usurpations and abuses, it says: "He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands." This is the only State paper in which the word migration has been used, until the Constitution was formed. This stamps upon it a character which cannot be doubted; that it was among the primary objects of the United States, in the commencement of their career, to increase their population by migration from what was then called the mother country, and which has been denied them. The whole population of the United States at the time they declared their independence, was between two and three millions only. This gave rise to the great defection which prevailed among the inhabitants in many of the States. They believed all the physical force which the United States could oppose to Great Britain was totally inadequate, and therefore they marshalled themselves on the side of His Majesty. During a seven years' war migration was entirely suspended, and a constant waste of the native population ensued. The war terminated late in 1783, and early in 1787 this Constitution was formed; and here, for the second time, in which it is to be traced in any public act of the Government, you will find the word migration settled down in the Constitution. At that time, too, many of the States had but a very small population, scattered over a wide extended surface, and particularly so in the Southern States. By reason of this thin population their frontiers were greatly exposed, and constantly harassed by the inroads and butcheries of the savages, which even the Government of the United States were unable to repress for many years after the adoption of the Constitution. Your Northern posts, stipulated to be surrendered by the treaty which terminated your Revolutionary war, were detained by the British Government in defiance of good faith; and your population was too feeble to afford you an army to enforce the stipulations of the treaty; and you were obliged, in 1794, to have recourse to negotiation, to enable your Government to gain possession of the posts; and obtained them by a bargain not very much to the advantage of the United States. Does there exist a doubt as to the object for which the Convention introduced into the Constitution that word migration, joined with the word importation? The word *importation* is agreed, on all hands, to mean nothing more than to authorize such States as thought fit, to import Africans. The necessity and desire for the migration of foreigners was much greater. This is made more than manifest by the prompt manner in which the First Congress acted upon the subject of naturalization. This word is coupled with that of migration; and in the same

specification of injuries and usurpations, complained of in the Declaration of Independence, against the King of Great Britain. The word "naturalization," as it stands in the Constitution, required Congress to give it efficacy by a law. This Congress did early in the second session of the First Congress. The word "migration" required no such aid from Congress. These two Constitutional provisions were clearly intended to aid each other. Migration, to authorize the States to admit foreigners, and naturalization to make them citizens. The power of naturalizing was given by Congress to the courts under the State jurisdiction, so anxious were they to encourage the growth of population from migration.

But, sir, if a doubt could yet exist, as to the true construction of this word "migration," it must be completely obviated by considering what was the situation of the several States in regard to this species of population, at the time the Constitution was entered into by the several States. At this time all the States in the Union held slaves, except Massachusetts. All the States north of Maryland were desirous of selling their slaves, and found a ready market in the Southern States, whither they sent them in ship loads, about that time, and after, until they relieved themselves of the greater part of their slaves by sale. Would the Northern States have ever consented to such a power in the Constitution, that would have enabled Congress to cut off so desirable a traffic, by preventing slaves from going beyond the boundary of their respective States? But it is not till after they have sold their slaves from among themselves, that they have made the discovery that Congress can restrain their migration.

It is said, by all, that the slaveholding States would have refused to come into the Union, if the right of importing had not been yielded to them until the year 1808. Were not the reasons infinitely stronger to resist such a power in Congress, to prevent their removal immediately after they had possessed themselves of them by importation, together with every other part of that species of population? That they must be fixed to the soil, when the immense tracts of the most fertile lands of Tennessee, Kentucky, and the vast extent of uninhabited lands now forming the States of Alabama and Mississippi, were without population, or nearly so; and holding out the fairest prospects to the inhabitants of the Atlantic States, to emigrate there with their slaves. It is impossible that men can believe it for a moment.

That part of the Constitution which is found in the second clause of the third section of the fourth article, which says "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," has been relied upon as giving the power to Congress to impose such rules as Congress might deem necessary, and therefore could inhibit slavery. This clause of the Constitution gave to Congress a right to dispose of the territory, or to make rules and regulations respecting it, but it gives no right over any thing but the territory and other property of

the United States. Slaves are not territory. And it would be just as proper to say that slaves were territory, as to say that it gives Congress power to dispose of slaves, because it has power to make all needful rules and regulations respecting the territory. By what principle, or by what rule, do you apply the power over slaves, that is given over the territory only? It is said that the United States Government is the domestic government of the territory; but the Constitution reserves to the States, or to the people, all power which is not given to the United States; and it can assume no government without express power. The Constitution is a delegation of powers only; and where there is no delegation of power, there is no government. It is a legal principle, never to be departed from, when a law gives a power over a greater subject, it does not include a lesser one.

It has been said that this power is given by that part of the Constitution which vests in Congress the right to regulate commerce among the several States. How would our Eastern friends relish it, if Congress should undertake to regulate the trade for one of their own States, and interdict their commerce with all the other States? Would they not cry aloud, and say the power was given to regulate commerce among all the several States, and not of any one State? And would they not say justly? Here, then, you are regulating what you would call commerce, for Missouri alone.

Much reliance is placed on the sanction which Congress has given to this principle, by various acts on the subject of slavery. This was not the first time that he had had the honor, in that Senate, to protest against Congressional precedents when opposed to the Constitution. This was the only country in the world that had a written Constitution, and could be compared with none. It was the act of the sovereign people; the test of your power. So far you might go, but no farther. It wanted the aid of no law. Whenever you exceeded it, your laws are void, and your precedent too.

He would advert to one of these precedents—the one relied on by the gentleman from Pennsylvania, (Mr. ROBERTS,) of 1804, which interdicted the admission of slaves into Louisiana, when a Territory. The honorable gentleman from Georgia (Mr. WALKER) had refuted that ground, by showing the repeal of that law by the law passed the next succeeding session, in March, 1805, together with that part of the famous ordinance of 1787, so much quoted.

He (Mr. S.) would present a practical view of that repeal. About the 20th of December, 1803, the Legislature of South Carolina passed a law to open the African slave trade, under the authority of the provision of the Constitution of the United States. About three months thereafter, Congress passed this law of 1804, and adjourned a day or two after. This was a time that every thing was to bend to the tonnage of the United States; and at the next session, the Congress repealed this law and the ordinance, and opened the ports of Louisiana, and our Eastern friends employed immediately a large portion of the shipping in that trade. Carolina had no ships of consequence, but an am-

ple supply came from the North and East. Rhode Island furnished her full share; they sent there ships from Philadelphia, and they were obliging enough to send some from Boston. This was the ground upon which Congress thought proper to repeal the law of 1804, and that part of the ordinance of 1787, at so early a period. This repeal, too, must have been effected by the Eastern members. He knew the members from South Carolina were all opposed to the slave trade. One honorable member from that State, the same session, offered a resolution in the Congress, censuring the Legislature of South Carolina, for opening her ports, which was not acted upon. But for this repeal of the law of 1804, by Congress, the ports of South Carolina would have been shut the next session of the Legislature. These ships cleared out from Charleston. That was necessary, because the ports in the other States were not open for this trade. The Northern slave traders and the British carried the business on with a high hand. The profits of one man, in Charleston, (Mr. W. Boyd,) agent for British merchants engaged in the traffic, were estimated at three hundred thousand dollars, as commissions; besides others engaged in the same line. All these vessels were obliged to enter a South Carolina port, but many of them immediately reshipped the slaves to Louisiana. The British Parliament passed a law on this very occasion, regulating the number which should be shipped according to the tonnage of the ship, and this at the very time Mr. Wilberforce's bill was under consideration, for abolishing the slave trade. As soon as this trade was cut off by the act of Congress of 1807, the sinfulness of it presented itself in glaring colors, both with our Eastern friends and the British. They can ship no more publicly, and the Northern and Eastern States had done selling those already in their possession, and then the scheme for emancipation commenced. These are facts not to be controverted. The cry against this sinful practice comes with an ill grace from that quarter.

The most opprobrious epithets have been lavished upon those who hold slaves; calling the practice cruel, derogatory to the character of the nation, opposed to the Christian religion, the law of God, pagan in its principles, and every thing else that can be called up, by which to reproach us. Let us compare, on particular occasions which have fully manifested the temper of both parties, those who hold slaves, with those who do not, and see who have been most honest in their endeavors to put a stop to the slave trade. In 1818 a committee was appointed by this Senate to report a bill, the better to prevent the smuggling of African slaves into the United States. On that committee were three gentlemen from the slaveholding States and two from non-slaveholding States, as they are pleased to call them, (Mr. Roberts and Mr. Bur-
rill.) These two gentlemen were told to make the penalty death, upon all who should be detected in this trade; the Eastern members of the Senate opposed every thing like corporal punishment—even whipping, because they said it would never do to whip a respectable merchant. They were

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willing to compromise the sin, for a fine and imprisonment, and here it ended; and their ships are yet engaged in carrying slaves under every flag and for every nation that indulges the trade.

Another very strong instance occurred last session of Congress. A similar bill was before the House of Representatives. A gentleman from Louisiana offered an amendment, to compel the captors of any ship with slaves to carry the ship into the port to which she belonged. This amendment was opposed by the very gentleman (Mr. TALLMADGE, of New York) who offered the amendment which inhibited slavery in the Missouri. This would have brought the offenders home, and the slaves with them, to their pious friends and owners. This is the morality which governs those friends to liberty and humanity.

Why was Louisiana, which stood on the same footing precisely on which Missouri now stands, admitted without this restriction? We are told it was not convenient to lay this restriction on Louisiana; that the government was suited to the people, at that time, and in that territory. This is the only reason rendered. But it must be recollected that Louisiana lay more out of the way; and we compromised our morality, our character and our religion, for our convenience. So a convenient morality governs us in admitting one State, and a convenient humanity is to govern us in rejecting another.

We are told that our representation, by the three-fifths of the slaves, amounts to twenty members, and gives us an undue weight in the Government, and gives us twenty votes in the Presidential elections. And an honorable gentleman, who was now of the Senate, had said, upon this question, last year, "This inequality in the apportionment of Representatives was not misunderstood at the adoption of the Constitution; but no one anticipated the fact that the whole of the revenue of the United States would be derived from direct taxes, but it was believed that a part of the contribution to the common treasury would be apportioned among the States by the rule for the apportionment of Representatives."—(Mr. KING, of New York.) Let us examine who fixed this apportionment. It was done by members of the convention from the Eastern States. Mr. Randolph, of Virginia, proposed that the rights of suffrage ought to be proportioned to the quotas of contribution. Mr. Madison, of Virginia, made a proposition for an equitable ratio; Mr. Rutledge, of South Carolina, made a proposition; none of which embraced the black population. It was then proposed by Judge Wilson, of Pennsylvania, that it should be "in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons, except Indians not paying taxes." This was followed by a proposition from Mr. Patterson, of New Jersey, of the same import. Upon revising this proposition, among others, the committee of revision was Mr. Johnson, of Connecticut, Mr. Hamilton, of New York, Mr. Morris, of Pennsylvania, Mr. Ma-

dison, of Virginia, and Mr. King, of Massachusetts. This committee adopted the proposition of Judge Wilson and Mr. Patterson, and formed that clause of the Constitution which regulates the representation and direct taxes, now so much complained of. The Eastern members of the convention proposed it; they supported it; and they modelled it to their mind. It was good and righteous whilst the Government was supported by direct taxes. There were no complaints in the years 1798 and 1799, when it was necessary to resort to a direct tax to support the war then waged against France. There were no complaints during the late war with England. It has afforded you a revenue to carry on these two wars; in the latter of which six hundred thousand dollars were annually raised upon slaves. It was taken and applied to public uses without any compunction. But, when direct taxes are no longer necessary, its great deformity presents itself. Is this a time to complain and to wish to change the system of representation when the burden is gone. If it was founded in compromise, are you to give up its equivalent? No; you hold the equivalent, and complain of the compromise when you think it can be no longer useful. This is the spirit of amity with which you present us.

One gentleman from Massachusetts, (Mr. OTIS,) in the course of this discussion, has spoken of the policy of excluding slavery from Missouri, and says the slaveholding States will be too numerous. But how is this fact? There are one hundred and eighty members in the House of Representatives; of them, there are one hundred and four belonging to the States which wish, and have abolished slavery, and seventy-six to the other States. With all this difference you complain that there are twenty votes for slave population, which ought to be corrected. Why is the complaint made now? If Missouri can be played off another year, and Maine admitted, the Presidential election will take place before Missouri can have a voice in that election; but Maine will have her two Senators, and of course two more Presidential votes to the Eastern States. If we look to the balance of power, as that gentleman would wish, this is its true complexion.

The subject of slavery, as it now presented itself, was one of serious import to the Southern and Western States. It was matter of mere calculation with the Eastern States, since they had pressed their own to the South. Gentlemen had different feelings on it. Since this question had been agitated, he had looked into the history of slavery, and he found it had been the lot of man, in this shape or that, to serve one another from all time. At least, slavery has prevailed in every country on the globe, ever since the flood. All the nations of the East held slaves in abundance. The Greeks and the Romans, at the most enlightened periods of those republics. Athens, the seat of the Muses, held slaves. They were often chained at the gates of the rich, as porters, and were treated very different from ours; yet Demosthenes is made to say, "that the condition of a slave at Athens was preferable to that of a free man in many other coun-

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tries." The Spartans approached nearer to a pure democracy than any other people ever did; yet they held slaves in abundance too. It prevailed all over the Roman Empire. Julius Cæsar sold at one time fifty thousand slaves, yet Cæsar was never held to be a cruel or barbarous man. He would, no doubt, be thought a great sinner by the Eastern States, who hold but a few: for even the States of Pennsylvania and Rhode Island had their slaves yet. This was a small sin, and could be repented of after these few should die off.

In the course of this debate our attention had been called by the honorable gentlemen (Mr. ROBERTS, of Pennsylvania, and Mr. MELLE, of Massachusetts,) to what was going on abroad. He, Mr. S., had not been inattentive to what was going on abroad; but he found it all confined to the Northern and Eastern States. He had read several pamphlets and dissertations on the subject of inhibiting slavery in Missouri, couched in the most bitter and dishonorable terms of reproach to slaveholders. They were subscribed by fictitious names. One subscribed himself Marcus. This was a great name among the Romans. Another subscribed himself Colbert. This was the name of another great man, of modern times. If their plot succeeds, and Missouri should not be admitted into the Union, they can then throw off the veil, give their true names, and come out as the champions of the enterprise. If their plot fails, they can remain Marcus and Colbert; and trace them if you can. Marcus may have further views for concealing his true name. He has, in his pamphlet, taken as much care to point out to this species of population the best means of procuring fire-arms, and munitions of war, and how they can arrange their forces. &c., as he could have done if he had been appointed by Government to marshal them to cut our throats; and when he shall find the train which he has laid ready for explosion, like the midnight assassin, may apply the match, and blow us up; that he may revel in the spoils. In this he was happy to say this man Marcus would be mistaken, as well as many others who had supposed we were not only in a constant state of alarm, but that we were also in constant danger, from an insurrection of this part of our population. This people are so domesticated, or so kindly treated by their masters, and their situations so improved, that Marcus and all his host cannot excite one among twenty to insurrection. They are able to compare their comforts and their labor, and are fully sensible that their comforts are as great, and their labor not more arduous, than any other class of laboring people. The owners of these people can place arms in their hands, if necessary. In the late war they played a manly part in defence of their masters, in many instances. They were among the defenders of the country at Orleans, as well as at other places; they are the shield of their masters, instead of their deadly enemy, all the apprehensions of Marcus and our Eastern friends to the contrary, notwithstanding.

One gentleman has wrote a long pamphlet, and given his name: this is Daniel Raymond, Esq., as he has called himself. Mr. S. said he had as-

certained this Esquire Raymond to be an honest lawyer, who was under pay of the Abolition Society, and who was measuring his conscience and his humanity by the length of his fee. He has ascertained, as he says in his pamphlet, that the slaves increase not only much faster than the free people of color, but that they increase in a ratio of nearly double the free white population. This is represented as an evil of great magnitude. The great ground of complaint of these Abolition Societies, on former occasions, was the severe and cruel treatment of masters. Now, the objection is, they are treated so humanely that they will shortly overspread the whole land. If these people increase to the extent supposed, it is an incontrovertible evidence that they are well fed, well clothed, and supremely happy. There is no class of laboring people in any country upon the globe, except the United States, that are better clothed, better fed, or are more cheerful, or labor less, or who are more happy, or, indeed, who have more liberty and indulgence, than the slaves of the Southern and Western States. This Mr. Raymond, and some gentlemen who have spoken on the question, (Mr. MORRIL, from New Hampshire, and Mr. ORIS, from Massachusetts,) had all concurred in the same opinion, that it was better to condense these people within the limited space of the old States, and by that means reduce their numbers by a state of starvation and oppression. Heap cruelties on them to destroy the race. The Greeks confined their slaves in cells; the Spartans suffered the Lacedæmonian youth to fall upon them, when laboring in the fields, by stratagem, and massacre them in gangs, for the purpose of training their youth to feats of arms; the Romans threw them into the arena, where they cut one another down, for the amusement of their rich masters. But this was despatching them at once. The mode prescribed by our modern philanthropists is to kill by piece-meal—for a state of starvation is no better. If one mode of killing is more cruel than that of another, it is that which is brought on by the tortures of hunger and oppression.

It has been sung in every town and village of the States which call themselves non-slaveholding States, that slavery is opposed to our holy religion. The honorable gentleman from New Hampshire (Mr. MORRIL) had inculcated this doctrine in his address to the Senate. He would not hazard too much in calling the master a despot, and a violator of the laws of God. To prove his position, he had read sundry passages from Mr. Jefferson's Notes; the most prominent were the following:

"The whole commerce between master and slave is a perpetual exercise of the most boisterous passions. Our children see this, and learn to imitate it. I tremble for my country, when I reflect that God is just. The Almighty has no attribute which can take side with us in such a contest."

Mr. S. said he had the highest regard for that venerable patriot; he was a great philosopher and a statesman of the first order. He knew no words more appropriate in pronouncing his eulogy, than those used by himself in delineating the character of the immortal Washington: "His memory will be

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'adored while liberty shall have votaries; his name will triumph over time, and will, in future ages, assume its just station among the most celebrated 'worthies of the world.' With all this tribute, and with all the veneration which he felt for that great man, he did not hesitate to contradict him, in the most unequivocal terms. The master has no motive for this boisterous hostility. It is at war with his interest, and it is at war with his comfort. The whole commerce between master and slave is patriarchal. The master has every motive to impel him to it. As to the effect on children, it is quite the reverse. The black children are the constant associates of the white children; they eat together, they play together, and their affections are often times so strongly formed in early life, as never to be forgotten; so much so, that in thousands of instances there is nothing but the shadow of slavery left. These observations of Mr. Jefferson could not have been founded on facts. They were wrote to gratify a foreigner, at his own request, when every American was filled with enthusiasm. They are the effusions of the speculative philosophy of his young and ardent mind, and which his riper years have corrected. He wrote these Notes near forty years ago; since which his life has been devoted to that sort of practical philosophy which enlarges the sphere of human happiness, and to the promotion of civil liberty; and, during the whole time, his principal fortune has been in slaves, and he still continues to hold them. It is impossible, when his mind became enlarged by reflection and informed by observation, that he could entertain such sentiments, and hold slaves at the same time.

Mr. S. said he had taken the liberty, two years ago, to admonish his honorable friend from New Hampshire, (Mr. MORRILL,) on this subject, as it respected our religion. This gentleman then declared, in plain terms, that slavery was forbidden by God, in his Holy Bible. He had now reinforced himself by Mr. Jefferson's Notes. The Bible would give the gentleman no support. He would point him now, as he had done before, to the 25th chapter of Leviticus, which, after describing who should be held as hired servants, and when the hired servants should go free, it then, with a direct allusion to this very people, in the 44th, 45th, and 46th verses, says in these words:

"44. Both thy bond-men and thy bond-maids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bond-men and bond-maids.

"45. Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land; and they shall be your possession.

"46. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bond-men forever."

These are the divine words of the Lord himself, delivered to his holy servant Moses, as a law to his holy people.

This was the law given by the God of Abraham, the God of Isaac, and the God of Jacob. He was the only living and true God. If we worship

the God of Israel, he is our God. It has been said that this law was given to the Jews. So were all the laws of God; and are we left to select such laws for our obedience as we find suited to our inclinations and our policy only, and abrogate the others? Mr. S. said the holy book of our religion taught us that God was unchangeable; that he had no respect of persons; that he was without variation or shadow of turning; the same yesterday, to-day, and forever. But it is said that slavery is against the spirit of the Christian religion. When, and by what authority, were we taught to separate the positive laws of God from the Christian religion? Christ himself gave a sanction to slavery. He admonished them to be obedient to their masters; and there is not a word in the whole of his life which forbids it. Slavery was known to a great extent among all the nations of the earth. Christ came to fulfil the law, not to destroy it. Christ came to do the will of his heavenly father who sent him; he came to take away the sins of the world, and to turn men from their wicked ways. Some who are desirous to fix the character of irreligion on the practice of slavery, have said that Christ tolerated slavery, lest he should disturb the tranquillity of the world by exciting the numerous slaves to insurrection. This is a doctrine for you, sir!—that God should send his only son to redeem the world, and yet that he should be afraid to do his duty, and suffer so crying a sin as slavery is represented to be, by our modern politicians, to go unnoticed, lest he should interfere with a principle of civil policy. And some of them had had the effrontery to charge the slaveholders with impiety, for alleging the Scriptures justified slavery.

If such enthusiasts will not believe Moses and the Prophets, they would not believe one even if he were sent from the dead.

Mr. S. said he would not be astonished if they were to attempt a new version of the Old and New Testaments, and new model them to suit the policy of the times. Throw off such parts as were uncongenial to their interests, and leave the residue to God. They had already given the Scriptures an implied construction, as different from its literal sense, as they had that of the Constitution of the United States. He hoped none of the holy fathers of the church, whose duty it was to teach the Holy Scriptures as God himself had given them, and not as they would model them to suit the frailty of their nature, had given in to this ungodly opinion, that they could pare down the Old and New Testaments, so as to make a convenient religion of them, instead of an unerring one.

Mr. President, the Scriptures teach us that slavery was universally indulged among the holy fathers. The chosen people of God were slaves; and that, by His divine permission, Joseph was sold by his brethren to the Egyptian merchants, who carried him into slavery. There was no vengeance of Heaven upon this people for holding them in slavery. They were not relieved until God in his wisdom saw fit. Pharaoh was, for his temerity, drowned in the Red Sea, in pursuing them contrary to God's express will; but our

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Northern friends have not been afraid even of that, in their zeal to furnish the Southern States with Africans. They are better seamen than Pharaoh, and calculate by that means to elude the vigilance of Heaven; which they seem to disregard, if they can but elude the violated laws of their country.

The gentleman from New Hampshire, (Mr. MORRIL,) in the plenitude of his religion and humanity, has told us this is a fine country, and that we have imported a new breed of sheep. Here is fine pasture ground, and better starve the negroes than abandon the sheep. He has told us his ancestors came to Plymouth in 1620. He could tell the gentleman that, very shortly after, they began to import slaves from Africa, and continued it until the Revolutionary war took place.

This country, called the Louisiana, has never been a favorite with our Northern friends. Under the old Confederation, there was an attempt at negotiation to obtain the navigation of the Mississippi. This was a secret transaction, and he could of course give but an imperfect account of it; but it was pretty well understood, that seven of the States gave a sanction to closing that river for twenty-five years.

In the year 1803, while the negotiation for that territory was going on in France, Mr. Ross of Pennsylvania, and Gouverneur Morris, of New York, made eloquent speeches in favor of a war against France, for the purpose of acquiring this country, which was said to be one of the most desirable in the world. As soon as the treaty was presented, and it appeared that it was obtained by purchase, its value sunk, and we heard no more of it from that quarter.

On the 15th of January, 1811, Mr. Quincy, in a speech in the House of Representatives, when the question for adopting Louisiana into the Union as a State was before that body, said, "If this bill passes, it is my most deliberate opinion, that it is 'virtually a dissolution of the Union; that it will 'free the States from their moral obligation; and, 'as it will be the right of all, so it will be the duty 'of some, to prepare for a separation, amicably if 'we can, violently if we must.'" This gentleman was called to order, and he replied, "if he was prevented from this argument, he should lose half 'his speech.'" This same Mr. Quincy has been a member of one of your resolving committees, the other day, to show the expediency of prohibiting slavery in this desirable country. This is the way gentlemen change their opinions, when they wish to change their policy.

It was his duty, Mr. S. said, to notice the agitation in the State of New York on this subject. Two gentlemen, of high standing, had declared, that there was no such thing in the United States as slavery. The Governor of that great and respectable State had brought it before the Legislature, in his official speech. He had painted slavery in the most odious colors. He represents it as a moral and political evil of the first magnitude, and earnestly recommends the expression of their sense upon it. He recognised the power of the people in their primary assemblies, town meetings, conventions, and up to the municipal authorities of

cities and villages, and so forth, up to members of Congress. Sir, the people have a right peaceably to assemble, and to petition the Government for a redress of grievances; but a grievance must actually exist. To petition for a redress of grievances, and to direct Congress in their legislation, were very different things. This power of petitioning is reserved by the first article of the amendment of the Constitution. But, by the tenth article of the amendment, wherever the power to legislate is given to Congress, the power of the people ceases. These primary assemblies were therefore without legitimate powers. They could be made to serve party purposes, but they had no business with legislation, nor were we bound to respect them. Were we to listen to the resolves of these primary assemblies, what would be the result? And what would be the energy and dignity of your Government? It would be a shadow; it would not be worth the name of a government.

They would promote the views of some ambitious chief, and, like the prætorian guards of the Romans, finally take the Government in their own hands, or bestow it on the highest bidder. When an ambitious Roman aspired to office, he electioneered through this medium. And are we practising corruption in our infancy? Under this system, every member was to appear here with orders in his pocket, from those primary assemblies; and they were to dictate to you by resolves, without a single reason presented for their foundation.

The honorable gentleman from Massachusetts, (Mr. OTIS) had commenced his speech by telling us that he had voted last year against the restriction, and he intended now to speak against it; notwithstanding which, he should vote again as he did last year, if some concessions were made. That honorable gentleman had showed his dislike to Missouri, unless you restrict slavery. Without this condition annexed, he should be glad to see the Mississippi running with liquid lava; and the forests inhabited by nothing but bears and panthers. This is the language of that gentleman. Mr. S. could account for this unkind sentiment, which carried neither conviction nor reason with it, upon no other grounds than those which he had furnished from his exordium; which were, that he intended to speak on one side and vote on the other. Taking this view of it, you can reconcile the argument, and as his speaking has been manifestly against Missouri, we might fairly hope that he intended to vote against the restriction.

This gentleman had made a case which he considered, in principle, as parallel to the case of Missouri, and by which he conceived he had fully illustrated this great political question. He says, "suppose a man has a number of sons, and a 'nephew; he gives to the sons each an equal portion, or lot of land, and promises the nephew to 'give him a lot, but makes no title to him; after 'some time he tells the nephew, I have changed 'my mind, I cannot give you this land but on condition that you will obligate yourself to take no 'dogs there. He says, why not take dogs; they 'are mine, and I have a right to do with them as 'I please. The uncle replies, I do not like dogs,

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'they are noisy, they kill sheep, they run mad, and may bite me; and I will not give you the land but on this condition.' Now, says the gentleman, is not Missouri as much under the control of Congress as this gift was under the uncle?

Sir, said Mr. S., the gentleman has been a lawyer of the first respectability, and a judge of high standing, in the State he represents; and he could not suppose the gentleman could conceive there was any force in the analogy which he had attempted. The cases were not parallel. Missouri had a claim founded in right; and had the uncle been under any obligation to make titles, he could prescribe no conditions as to what kind of property the nephew should hold on the land. He would have as much right to stock it with dogs, as he would to stock it with cattle or horses. Here he appealed to the legal judgment of that honorable gentleman, to say if he, Mr. S., was not correct. As a sound lawyer, he defied him to negative the position.

Sir, that honorable gentleman, whose mind and eloquence had so often illumined and delighted this Senate, seemed to have fallen far short of his usual greatness. Instead of discussing the Constitutional question with his technical abilities, he had been presenting to the Senate the horrid spectacles of bears, panthers, the Mississippi rolling with liquid fire, mad dogs, and hydrophobia! This gentleman has made such a departure from the subject, and has been so incoherent in his arguments, if he had not, at setting out, intimated that he should speak one way and vote the other, he, Mr. S., would have entertained serious apprehensions that the gentleman had really been bit by some of his own mad dogs, and was laboring under the hydrophobia.

There was but one more view which he would take of this case. Much had been said of the effects of slavery upon society. He would compare the morality of the slaveholding States with that of the non-slaveholding States. He did not mean the morality of individuals, but he would compare the political morality of the States. South of the State of Pennsylvania you had heard of no rebellions, no insurrections, no delays in performing all the requisitions of the State and General Governments. The State of Massachusetts had emancipated what slaves she had left, shortly after the Treaty of Peace in 1783. In three years after, they had a rebellion which shook the State to its centre. The courts of justice were broken up throughout the State. The civil authority was put down. Recourse was had to arms, from one end of the State to the other. Battles ensued; some were killed, others wounded, others taken prisoners, and some hanged, or rather condemned, and pardoned by the Executive. It raged to such a degree, that the principal citizens had at one time determined to make no efforts to check it, that the imbecility of a republican government might be fully manifested, and some government of greater energy resorted to. What that Government would have been, he knew not; but he supposes they would have chosen a King. This statement was contained in Minot's history of that

transaction, which he had then before him, and which had been furnished him from the public library.

The State of Pennsylvania had freed her slaves in 1780. In January, 1791, the Congress of the United States had under consideration the subject of excise. The Legislature of Pennsylvania were then in session. They took up the subject with the same temper—with the same enthusiasm and heat—which they have so lately manifested on the Missouri question, and passed the following resolutions for instructing their members of the Senate to oppose the measure:

"HOUSE OF REPRESENTATIVES,
January 22, 1791.

The Legislature of the Commonwealth, ever attentive to the rights of their constituents, and conceiving it a duty incumbent on them to express their sentiments on such matters of a public nature as, in their opinion, have a tendency to destroy their rights, agree to the following resolutions:

Resolved, That any proceedings on the part of the United States tending to the collection of a revenue by means of excise, established upon principles subversive of the peace, liberty, and rights, of the citizens, ought to attract the attention of this House.

Resolved, That no public exigency within the knowledge or contemplation of this House, can, in their opinion, warrant the adoption of any species of taxation which shall violate those rights which are the basis of our Government, and which would exhibit the singular spectacle of a nation resolutely opposing the oppression of others, in order to enslave itself.

Resolved, That these sentiments be communicated to the Senators representing the State of Pennsylvania in the Senate of the United States, with a hope that they will oppose every part of the excise bill, now before the Congress, which shall militate against the just rights and liberties of the people."

This was a high-handed measure, to oppose the constituted authorities in this bold and menacing form, because they were about to lay a small duty on whiskey, that delicious beverage. This law was passed by Congress, and, the year following, Mr. Neville, the inspector of the revenue, was often menaced. At length they broke out into an open insurrection in the neighborhood of Pittsburgh. The public mind was much agitated. Companies armed themselves, and marched into the neighborhood of the inspector. *Brackenridge*, in his history of that insurrection, which Mr. S. had in his hand, gives the following account:

"The next morning, after day-break, the inspector, having just got out of bed and opened the door, discovered a number of armed men about the house, and, demanding of them who they were and whence they came, the answer was such as induced him to consider their intentions to be hostile; and, on refusing to disperse, he fired on them. The fire was returned, and a contest ensued. The negroes, from some adjoining small buildings, fired on the flank of the assailants, and they were repulsed with six wounded, one mortally."

He wished to call the attention of gentlemen to this faithful attachment of the slaves; they re-

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pelled the insurgents, without an order even from the master. They wounded six, one mortally. This all passed in Pittsburg, and not a white man ever approached the scene. The inspector's houses were all burned down the next day, and no man attempted to oppose them. These slaves have presented an example of fidelity and bravery in defence of their master, while the whole population of Pittsburg were terrified into submission. He presented this for the view of Marcus and his associates. It may serve them as a beacon.

This insurrection extended itself over a great part of the western section of Pennsylvania. It required the strong arm of the General Government to quell it. A regular armed force was called out before its impetuosity could be checked; an impetuosity which threatened to overwhelm that State, if not the whole Union. Does Pennsylvania and Massachusetts wish those feelings and those scenes renewed? If they do, the course they have taken may lead them directly to it. The American people, of whom it was his pride and his glory that he was one, were as honest as any other people in the world, and only wanted to be correctly informed, to do justice to every policy and every measure. But if, under the misguided influence of fanaticism and humanity, the impetuous torrent is once put in motion, what hand short of Omnipotence can stay it?

New York has been a slaveholding State, until very lately, in the strictest sense of the word. The Governor of New York recommended to the Legislature of that State, only three years ago, to take measures for the emancipation of their slaves. Two years ago these measures were taken; and, at the next session of Congress thereafter, their Representatives and Senators came out upon this very Missouri question, as the champions of freedom; and that State has given as hopeful signs of a turbulent temper as either Pennsylvania or Massachusetts, for the time that she has had after emancipation. What progress she will make in revolutions time will develop.

When Mr. SMITH had concluded the Senate adjourned.

THURSDAY, January 27.

Mr. Mellen submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of discontinuing the post road from Alna to Palermo, and establishing one from Alna to Gardiner, in the District of Maine.

Mr. SANFORD, from the Committee of Finance, pursuant to instructions of the Senate, reported a bill to remit the duties on a statue of GEORGE WASHINGTON, and the bill was read, and passed to the second reading.

Mr. TRIMBLE presented the memorial of the Legislature of the State of Ohio, for the relief of certain purchasers of public lands; and the memorial was read, and referred to the Committee on Public Lands.

On motion of Mr. JOHNSON, of Kentucky, the

Committee on Military Affairs were instructed to inquire into the expediency of passing a law for the liquidation of the accounts of Colonel William Duane, and for allowing him a compensation for his services and expenses in the publication of his military works, under the direction and patronage of the War Department.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to alter the terms of the court of the Western District of Virginia," and no amendment having been made thereto, it was reported to the House; and passed to a third reading.

Mr. SANFORD presented the petition of Martha Youngs, Samuel Youngs, and Thomas Youngs, surviving children of Joseph Youngs, late of Westchester, in the State of New York, deceased, in behalf of themselves and the lawful heirs of the said deceased, praying compensation for losses sustained during the Revolutionary war, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. VAN DYKE communicated the following resolutions of the Legislature of the State of Delaware, which was read:

"Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That it is, in the opinion of this General Assembly, the Constitutional right of the United States in Congress assembled, to enact and establish, as one of the conditions for the admission of a new State into the Union, a provision which shall effectually prevent the further introduction of slavery into such State: and that a due regard to the true interest of such State, as well as of the other States, requires that the same should be done.

Resolved, That a copy of the above and foregoing resolution be transmitted by the Speaker of the Senate to each of the Senators and Representatives from this State in the Congress of the United States."

Mr. ROBERTS, from the committee to whom was referred a resolution directing an inquiry, whether it be expedient to increase the number of copies of the Journal and State Papers, which hereafter may be printed by order, and for the use of the Senate, submitted the following order:

"Ordered, That hereafter there shall be printed twenty-five copies of the Journal and State Papers, in addition to the number which has been heretofore printed for the use of the Senate."

The bill brought up yesterday from the House of Representatives for concurrence, was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the 26th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a certain post road in the State of Illinois, and agreed thereto.

The Senate resumed the consideration of the motion of the 26th instant, for instructing the Committee on Public Lands to inquire into the expediency of protecting certain occupants of the public lands, until the crop shall have been made and gathered; and agreed thereto.

The Senate resumed the consideration of the motion of the 26th instant for instructing the Com-

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mittee on the Post Office and Post Roads to inquire into the expediency of establishing a certain post road in the District of Maine, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Michael Pepper, of Preston, in the State of Connecticut, praying a pension, and, in concurrence therewith, resolved, that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of John Taylor, of the city of New York, mariner, praying a pension, and, in concurrence therewith, resolved, that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of James Warren, and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The bill for the relief of Jennings O'Bannon was read the second time.

Mr. EDWARDS presented the petition of Lewis Boisson, and others, inhabitants of the village of Piorias, praying a confirmation of their titles to the lots in said village; and the petition was read, and referred to the Committee on Public Lands.

AMENDMENT TO THE CONSTITUTION.

The Senate resumed the consideration of the engrossed resolution proposing an amendment to the Constitution of the United States, as it respects the choice of the Electors of the President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and, by unanimous consent, Mr. LLOYD moved to strike out the following clauses:

"That, for the purpose of choosing Electors of President and Vice President of the United States, the persons qualified to vote for Representatives in each district shall choose one Elector. The two additional Electors, to which each State is entitled, shall be appointed in such manner as the Legislature thereof may direct."

And insert in lieu thereof the following:

"That, for the purpose of choosing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Electors of President and Vice President to which such State may be entitled; the district shall be formed of contiguous territory, and the persons qualified to vote for Representatives in each district shall choose one Elector."

And, on the question to agree thereto, it was determined in the negative—yeas 12, nays 30, as follows:

YEAS—Messrs. Barbour, Elliot, Gaillard, Leake, Lloyd, Pinkney, Pleasants, Roberts, Smith, Taylor, Trimble, and Walker of Georgia.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Logan, Lowrie, Macon, Mel-

len, Morrill, Otis, Palmer, Parrott, Ruggles, Sanford, Stokes, Thomas, Tichenor, Van Dyke, Walker of Alabama, Williams of Mississippi, and Williams of Tennessee.

On the question "Shall this resolution pass?"—it having been previously read a third time—it was determined in the affirmative—yeas 29, nays 13, as follows:

YEAS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Logan, Macon, Mellen, Morrill, Otis, Palmer, Parrott, Pinkney, Sanford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Williams of Mississippi, and Williams of Tennessee.

NAYS—Messrs. Barbour, Elliot, Gaillard, Leake, Lloyd, Lowrie, Pleasants, Roberts, Ruggles, Smith, Taylor, Walker of Alabama, and Walker of Georgia.

So it was *Resolved*, That this resolution pass, two-thirds of the Senators concurring.

MAINE AND MISSOURI.

The Senate then resumed the consideration of the Missouri question.

Mr. RUGGLES, of Ohio, said, he would detain the Senate but a short time upon the subject under consideration. Gentlemen of distinguished talents and ability have travelled over the whole ground, and but little now can be said that will throw any additional light upon the question. It is admitted upon all sides to be a question of great interest and importance, and one that involves the present peace and happiness of the nation, as well as its future prosperity and tranquillity.

Mr. R. said he sincerely regretted the course the Senate had adopted in regard to uniting the two bills. The admission of Maine, and the passage of a law to authorize the people of Missouri to form for themselves a constitution and State government, are distinct questions, and involve distinct considerations. They have not progressed to the same point. They are not in the same stage of legislation. The people of Maine have met in convention and formed their constitution, and it is now presented to Congress for their acceptance. The only question is, will Congress admit her into the Union, or shall her application be rejected? No objections are made, no reasons are assigned, why Maine should not be admitted a member of the American Union. Not so with Missouri; the passage of a law to authorize her to form a constitution, requires much legislation and detail, and ought to be examined carefully. Hence, the incompatibility of uniting them. The admission of a new State into the Union is a solemn act; it ought to stand or fall by its own merits, and not depend for its support upon any management or adventitious aid.

The amendment proposed by the honorable gentleman from Pennsylvania (Mr. ROBERTS) presents at this stage of the bill the only topic of discussion. The amendment provides "that the further introduction into the said State of persons to be held to slavery or involuntary servitude, within the same, shall be absolutely and irrevocably prohibited." The principle contained

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in the amendment is a humane and salutary one, and ought to be incorporated into every system of government established among men; but more particularly in the formation of a new member of this great Confederacy. It is clearly authorized by the provisions of the Constitution of the United States, and has been sanctioned by a uniform and uninterrupted course of legislation.

Before he proceeded to the Constitutional examination of this subject, Mr. R. said, he must be permitted to express his astonishment and surprise at the sentiments and opinions advanced by the honorable gentleman from South Carolina, who addressed the Senate yesterday. That gentleman justified slavery on the broadest principles, without qualification or reserve. This was taking entirely new ground; it was going farther than he had ever heard any gentleman go before. Heretofore, in discussions upon this subject, slavery had not been considered as a matter of right, but as an evil, a misfortune entailed upon the country, for which no complete remedy could be suggested. But we are referred for a justification of the principle, to Athens, Sparta, and Rome. Because they had slaves, and subjected a portion of their fellow-creatures to unconditional bondage, it is contended that our countrymen are justified in following their example. Mr. R. said he hoped the rights and liberties of mankind were better understood in the present age, than at any former period of which history gives any account. The Greeks and Romans made slaves of their prisoners taken in war, but that barbarous practice had long been exploded, and prisoners are now entitled to, and do receive, mild and lenient treatment; and on conclusion of hostilities, are all restored to liberty. It is said also, that God's chosen people, the Israelites, were held in bondage to the Egyptians, and that, too, by the permission of the Almighty himself. This authority in support of slavery, is an unfortunate one. Instead of justifying it, the contrary inference is irresistible. The Divine displeasure was most signally manifested against the Egyptians for their sins in oppressing and enslaving the Israelites. Successive judgments fell upon them, until they were compelled to give up and release those unfortunate sufferers. Mr. R. said he hoped the same judgments would not be reserved to scourge our own countrymen.

The question of the right of human slavery, abstractly considered, admits of no dispute. It cannot be justified. The right to hold them results from the laws of civil society, by the exercise of arbitrary powers, and not from the laws of nature. It is a violation of the fundamental principles of Republican Government, and repugnant to the great and essential rights contained in the Declaration of Independence; rights which ought always to be adhered to in establishing the foundations of a new community.

It is not my intention, said Mr. R., to disturb the question as relates to States who are now members of the Union, and whose laws and constitutions recognise this species of property. Those rights are to be held sacred—they must remain undisturbed. The framers of the Constitution

have settled those principles in the spirit of compromise, and all the parties to the Federal compact are bound by it. But, on the question of admitting new States into the Union, the case is open; Congress may exercise a sound discretion, not incompatible with the provisions of the Constitution. It will now be my object to show that this right does exist in Congress, and that restrictions and limitations of various characters have been imposed upon the new States that have heretofore been admitted into the Union.

The third article of the fourth section of the Constitution provides, that "new States may be admitted, by the Congress, into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, without the consent of the Legislatures of the States concerned, as well as of Congress." This grant of power is full, perfect, and complete. That Congress may admit new States into the Union, certainly implies that Congress may exercise its sovereign discretion on the subject. The clause is not imperative; it may admit, or it may refuse to admit. Congress has a right to judge at what time it may be expedient and proper to exercise their authority, and grant the privilege to a Territory to become a member of the Union. It has also a right to prescribe the terms, provided those terms are compatible with the Constitution, and do not violate any of the essential rights of sovereignty. It is not a lawful exercise of sovereignty, in the formation of a new society, to make one-half the population slaves—it is usurpation and tyranny. Lawful sovereignty in a Republic consists in securing the rights and liberties of all, not in the destruction and utter annihilation of the rights and liberties of one-half. Congress may then say to a Territory, as a condition of her admission into the Union, you shall provide, irrevocably, that the rights and liberties of the whole people shall be respected; and if this is not done, admission may be refused. The time has not arrived when it is expedient to admit. "Congress is authorized to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States." In the grant of these powers, is there no room left for legislation? Must Congress adopt precisely the same laws on this subject, that other nations, or some of the States had before adopted? Is there no opportunity for discretion, for alteration, or detail? Such a course of reasoning would be absurd—it would find no advocates. Yet it would be equally correct and plausible, with the reason assigned against the restriction offered.

Having established the right of Congress to impose the condition contained in the amendments, Mr. R. said, he would introduce other clauses of the Constitution, to show that it was the intention of the framers of that instrument to vest Congress with the power of prohibiting the extension of slavery, beyond the States in which it was then tolerated. "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight

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'hundred and eight." It must be admitted that this clause is negative in its character, and confers no power whatever. It is a prohibition, for a limited time, of the exercise of other powers, with which Congress are invested by the Constitution. "Congress may regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Slaves were an article of commerce, and their introduction into the United States might have been prohibited immediately on the adoption of the Constitution, had not this power been suspended until the year 1808, by the operation of the clause above quoted. But let it be remembered, that Congress was left free and untrammelled with regard to the territories of the United States, or any State that might be created out of them before the year 1808. The clause applies to the States then existing, not to any that were afterwards to exist. The State of Ohio was admitted in 1802. Congress would have had full power to prohibit the introduction of slaves as an article of commerce before the year 1808, if slavery had not been absolutely prohibited by the ordinance of 1787. From this it manifestly appears that it was the intention of those who made the Constitution, to confine slavery to the States then existing, and forever to prohibit it in the territories or States that might be formed out of them, or else the prohibition would have extended to them also.

Mr. R. said, it would be his object now to show that it had been the constant practice of Congress to impose similar restrictions upon new States, when admitted into the Union. The right of Congress to do so, had never been questioned or doubted. The amendment now offered, which prohibits the further introduction of slaves in Missouri, is not starting a new principle, or occupying new ground—it is only following the beaten track of former legislation. The States of Ohio, Indiana, and Illinois, stand upon the same footing; nothing is required of Missouri but what was required of those States, as a condition of their admission into the Union. They were required to form their constitutions in conformity with the ordinance of 1787, which ordinance irrevocably prohibited slavery and involuntary servitude. How do gentlemen get along with this ordinance, and the practice which has grown up under it. They do not hesitate to declare it an usurpation, an unauthorized assumption of power, having no obligatory force whatever. Mr. R. said, he did not expect to hear such doctrines advanced upon this floor. Let gentlemen beware how they break up and destroy the new governments of the West; they are all bottomed upon this ordinance; it is the strong hold of our civil polity and private rights. This ordinance has been to the people of the Northwestern territory a rule of action—a guide to direct their course—"a cloud by day, and a pillar of fire by night." The Israelites of old could not have been more prosperous in settling their favorite Canaan, under the immediate government of God himself, than have been the people of that country under the principles of this ordinance. Twenty years ago there were scarcely twenty thousand inhabitants in that portion of country now constitut-

ing the State of Ohio; at this time their number is swelled to more than half a million. What country can boast an equal increase of population in the same period of time?

A few remarks only will show that this ordinance is not an usurpation, but that the Old Congress had full power to pass it. The Old Congress were, by the articles of Confederation, authorized to make requisitions upon the several States for men to prosecute the war of the Revolution, and for money to pay them. Without this authority the progress of resistance must have stopped in its course, and the best hopes of the patriot failed. The more effectually to accomplish this object, and to provide funds to continue the war, and meet their engagements to the soldiers, "a resolution" was passed on the 6th day of September, 1780, 'recommending to the several States in the Union, 'having claims to waste and unappropriated lands 'in the Western country, a liberal cession to the 'United States of a portion of their respective 'claims, for the common benefit of the Union.' In a few years after the passage of this resolution, Virginia, New York, and Connecticut, made formal cessions of their claims to the territory northwest of the river Ohio. The articles of Confederation authorized Congress to admit new States into the Confederacy. In pursuance of that authority this celebrated ordinance was passed, which divided the territory into States, to be admitted members of the Confederacy, as soon as they should have a sufficient number of inhabitants. Regulations were made for the disposal of the lands, to raise funds to pay the debts and meet the engagements of the nation. What power can be more clearly traced? Was authority ever exercised in a case less susceptible of doubt?

Among the permanent articles of that ordinance is the following: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." This was a prudent civil regulation, adopted under the influence of those great principles of liberty and the rights of man for which the country had been so signally contending. The benefits of the writ of habeas corpus, trial by jury, and the free exercise of their religious opinions, were all secured to the people of the territory. When the Constitution of the United States was adopted, a clause was inserted, that "all debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation." The first Congress that convened under the Constitution recognised this ordinance as having obligatory force, and passed a law to continue its operation, and adapt it to the provisions of the Constitution. Every subsequent Legislature, down to the present time, has considered it a legitimate exercise of sovereignty on the part of the Old Congress. It is now, for the first time, disturbed, and its authority called in question.

Admit, said Mr. R., that the principle now contended for by the gentlemen upon the other side

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of the question, is correct, and what is the result? All contracts made for the survey and sale of the public lands, under the authority of the ordinance, and before the adoption of the Constitution, must be null and void. Purchasers have no valid title; the right and security in which they trusted are taken from under them, and they become the miserable victims of a misguided policy.

Mr. R. said he would dwell no longer upon the ordinance, but proceed to an examination of some of the principles contained in the amendment reported by the Judiciary Committee. There were propositions in that amendment that equally violate and impair the sovereignty of the contemplated State of Missouri with that for the exclusion of slavery. These excite no alarm; but, on the contrary, are supported by the gentlemen on the opposite side. Mr. R. said he alluded to that part of the amendment reported by the committee, which prohibits the new State of Missouri from taxing the public lands for five years after they are sold; the lands granted to the soldiers of the late war, for a limited time; and the levying of a tax or toll on the people, who may use the navigable streams, and the waters leading into the same, within the said State.

One of the most important attributes of sovereignty is the power of taxation. Without this power no Government can sustain itself; it is the life-blood of its existence. Yet gentlemen who say we cannot restrict Missouri, with regard to the holding of slaves, support the heavier and more important restrictions in the power of taxation.

It may be contended that this is an agreement between Congress and the new State, and operates in the nature of a compact, for which there is an equivalent given. If so, the case is not altered. A compact can be made on the subject of excluding slavery as well as that of taxation. The principles are the same, and no human ingenuity can separate them.

It is said by the gentleman from Maryland, that when a new State is admitted into the Union, that she possesses the same sovereignty that any of the old States possess, and that any power exercised by the old States, may be exercised by the new States. No restrictions can be imposed, no compact can be made with them. This assertion is at war with the uniform proceedings of Congress on the admission of new States; it is at war with the very provisions of the bill, and the amendment now under consideration. The Legislature of the State of New York has imposed, and collects a tax of one dollar on each person sailing in the steamboats between New York and Albany; yet the amendment reported by the committee provides, "that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State." Then it is evident that New York is exercising a right, of which right you deprive Missouri. Again, the site of Fort Fayette, in Pennsylvania, owned by the General Government,

is regularly taxed by the Legislature of that State, and the money to defray the same is annually paid out of the Treasury of the United States; while you restrict Missouri, not only from taxing the lands of the United States, but for five years after they have been sold to individuals. You go further; you propose to restrict Missouri from taxing the lands of the soldiers of the late war, for a term of years after the patents have been granted. How do gentlemen reconcile those provisions in the amendment with the principles they advance? They cannot be reconciled. It seems as though gentlemen are willing to impose any restriction upon Missouri, except that of the further introduction of slavery.

It is said, that the navigable streams and the public lands are extra-territorial, and that the States have no right to impose any tax upon the use of the streams or upon the lands. If that be the fact, why is it made an indispensable, irrevocable condition with every new State that is admitted into the Union, that they shall not exercise this power, in consideration of which you agree to give the States certain benefits and privileges? What! require the States to renounce a power they do not possess, and make a formal compact with them on the subject! Such would be singular legislation.

The cases before cited, of New York and Pennsylvania, show that the power of taxation does reside in the States, and that the Government of the United States has acquiesced in the exercise of the same. Mr. R. said his only object was, to show that Congress had the same right to restrict the further introduction of slavery in the new State, as to make any other restrictions whatever, and that there was no difference in point of principle.

When Louisiana was admitted into the Union, she was required, in addition to the usual restrictions upon the new States, the exclusion of slavery excepted, to transact and record her legislative and judicial proceedings in English, and secure to her citizens the right of trial by jury. All these are violations of her sovereignty, if the arguments advanced by gentlemen in opposition are correct.

Mr. R. said, gentlemen have referred us to the treaty with France, ceding the Louisiana country to the United States, and say, by the stipulations of that treaty, Congress are precluded from making any regulation on the subject of slavery. Upon a careful examination of that treaty it will be found, that such a construction is not warranted by the language of it. The third article declares "that the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The last clause can have no application to the inhabitants of that country any longer than while they remain under a Territorial government; and if it did, there is nothing in it to prevent any regulation Congress might think proper to

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make, as to the future acquisition of such property. And will any one pretend that the former part of the clause, in any way interferes with the ordinary discretion of Congress in the admission of new States out of the territory? It must have been transferred, with the understanding by the contracting parties, that the people of that territory were to have no more "rights, advantages, and immunities," than were possessed by the people of the Northwestern Territory. There Congress had a right, and did exercise the right of excluding slavery. Had the treaty intended to secure to the people of that country the privilege of holding slaves, there would have been a stipulation in express terms securing it to them.

On the subject of ceding territory to the United States there has been a uniform practice, a sort of common law, by reference to which, we shall obtain some light. Whenever a cession is made, and it is intended by the contracting parties that slavery should be tolerated in the ceded territory, it has been expressly mentioned, and a clause inserted providing that Congress should not exercise the power of excluding it. Such was the case of the cession by North Carolina of her western territory, which now constitutes the flourishing State of Tennessee. It was an express condition on the part of North Carolina, when the transfer was made, "that no regulations made, or to be made by Congress, shall tend to emancipate slaves." In the articles of agreement and cession between the United States and the State of Georgia, ceding that portion of country which now composes the States of Mississippi and Alabama, it is provided that the ordinance of Congress of 1787, should extend to the said territory, that article only excepted which excludes slavery.

The foregoing cessions of North Carolina and Georgia serve to explain what were the views of our statesmen of the Constitution at that time. The provisions made to prevent Congress from exercising the right is an irresistible inference that the right existed, and that the parties so considered it.

In the cession of the Northwestern Territory to the United States, no such provision was made. Congress was there left free to exercise its discretion. The ordinance was immediately passed, excluding slavery, and the first Congress under the Constitution recognised the ordinance by a legislative act; and, when the States were admitted into the Union from that territory, the exclusion of slavery was made an indispensable condition. The States from the South, where slavery is tolerated, all concurred in the several measures of prohibiting the further extension of slavery, and no question of the right to do so has ever been made until the present time. If such has been the case with regard to the Northwestern Territory, why do not the same rules and principles apply to the Louisiana country? The language in the cession of the Northwestern Territory, as to the rights of its citizens and the future sovereignty of the States, is much stronger than that used in the Louisiana treaty. The act of cession declares that the States to be formed out of the territory

shall have the same "rights of freedom, sovereignty, and independence, as the original States." The Louisiana treaty provides that "the inhabitants of the ceded territory shall enjoy all the rights, advantages, and immunities of citizens of the United States." If Congress had the power to exclude slavery from the Northwestern Territory—and, Mr. R. said, he believed that it had been clearly shown that they had—no doubt whatever could exist on the subject as it relates to the country beyond the Mississippi. Not a word was said concerning slaves. If it had been the intention of the negotiators of that treaty, to have secured the people forever in the enjoyment and acquisition of that species of property, they would have inserted a clause on the subject similar to those in the cessions of North Carolina and Georgia.

On the expediency of preventing the further extension of slavery, there ought to be but one opinion. Confine it to the States where it exists, and let every exertion be made by the whole country to mitigate its evils. The partial relief that would be given by extending it over the whole or any part of the country beyond the Mississippi would be temporary. The future safety and happiness of this Republic depends upon populating the Western States with free people. The voice of policy and humanity dictates such a course.

We are told by the gentleman from Illinois, that the gentlemen opposed to restriction are also opposed to slavery. He has alluded to Virginia in language of the highest eulogy. It is said, she has been opposed to slavery in all its forms, and that the acts of her State government and the opinions of her distinguished men have been uniform on this subject. Mr. R. said he was willing to admit that Virginia had done much in opposition to slavery, and that she was entitled to great praise and consideration for the zeal with which she resisted the corrupt powers of the Kings and Parliaments of Great Britain, when they authorized the introduction of slaves into that colony. This opposition will for ever remain a proud memorial of her principles and her humanity. It shows in deep-toned language her abhorrence of this abominable traffic. I regret, said Mr. R., that she does not follow up her principles, and act consistently with herself. She has it in her power to prevent other States from being cursed with the same calamities of which she so loudly complains. Let her present statesmen now do for the territory beyond the Mississippi, what her former statesmen have done for the territory northwest of the river Ohio. This day's legislation is not to perish with us—it is to endure for centuries. Millions of posterity are to be benefitted or injured by it. Let us open the vista of futurity, and look at Missouri fifty or a hundred years hence. Instead of beholding a free population, industrious, rich, and happy, you will perhaps see a majority of slaves, restless under oppression, spreading alarm and terror among her people. It is too late to remedy the evil—they must submit to their misfortunes, whatever they may be. Mr. R. said, he would ask, if they could attribute their misfortunes to the arbitrary edicts of a British King, or to the corrupt acts of a Brit-

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ish Parliament? No, sir, they will trace the source of their evils to this body, to the Congress of the United States—the recorded votes of the Legislature of the nation are to fix their destinies forever.

Mr. R. said he had nothing at heart but the interest and prosperity of Missouri, and the great and permanent interest of all the United States. The welfare and future prospects of that country are connected with the future destinies of Ohio. We must stand and prosper together, or perish in one common ruin. We inhabit the great valley of the West—we belong to the family of the Mississippi. Our latitude, pursuits, productions, and market, are the same; nature has identified our interests; and, Mr. R. said, he hoped that no misguided policy or mistaken views would ever separate them.

It is said that the people of Missouri will not submit to the restriction, should it be incorporated into the law. Mr. R. said, on that subject he thought there could be no doubt. He said he well knew the intelligence, enterprise, and adventurous spirit of the inhabitants of that territory; but he could not be induced to believe that those high qualities could ever be brought into action in opposition to the laws of the land. They would prefer that happy and tranquil state of society, where the "law is above the people, and not the people above the law."

Mr. TRIMBLE, of Ohio, said it was not his intention, at the commencement of this discussion, to have taken any part in the debate. But, said he, positions have been assumed, and arguments advanced, which have produced in me a desire to submit a few observations in relation to the power of Congress to adopt the proposed amendment—in doing which, I will endeavor, as far as practicable, to avoid the arguments which have been urged by the advocates of this power. The gentleman from Rhode Island, (Mr. BURRILL,) and the gentleman from Massachusetts, (Mr. OTIS,) have left nothing to be added on some branches of this subject. I do not, however, exactly concur in all their views.

In expounding the Federal Constitution, it is proper to examine the nature of the State and Federal Governments; the objects for which they were instituted; the principles upon which they were established, and the compacts or constitutions by which they were created; and the intention of the parties may be further discovered from that period of our history. But little aid can be derived from the history of other countries. The political institutions of the ancients were founded in fraud or force, and varied to suit the views of ambition; to increase and perpetuate the power of the rulers; personal rights were not secured nor political rights properly understood. Where the forms of compact have been assumed, they have been between the governors and the governed; between a king and a privileged order, or between a king and a privileged order of the one part, and the people of the other; or they have been treaties of alliance, offensive and defensive, between unequal States possessing different forms of government. The people of the United States have shown the first example to the world of a people,

in their individual capacity, and with an equality of political rights, forming with each other compacts to organize society, and to determine the principles and prescribe the rules by which the people should govern themselves.

We have derived our language and many of our habits and opinions from a country whose political institutions bear but an imperfect analogy to those of our own country. Hence the absurdity of Federal sovereignty and State sovereignty which, at different periods of our history, have been so zealously advocated by different parties. This country, sir, knows no sovereign but the people, who are the legitimate source of all power. The people created their governments, which they have a right to modify or to abolish, as their interests or opinions may require.

This country was divided by geographical boundaries into thirteen unequal parts called States. The people of each State joined in a compact or State constitution, and the people of all the States united in forming a general compact or Federal Constitution, to which the States, in their corporate capacities, were also parties. One portion of power was given to the State government; another portion of power was given to the Federal Government. The power which was not given to the State government or the Federal Government, remains with the people; these governments are, therefore, limited—neither of them can be sovereign.

The objects of the State governments are to protect their respective societies against domestic violence and internal commotion, and to prescribe the rules by which property is acquired, enjoyed, and transferred, within the State. The Federal Government was designed to concentrate the resources of the States; to guard the nation against foreign aggression and external violence; to suppress insurrection, and prevent discord among the members; and to regulate intercourse between the States and with foreign countries. These governments, differing in the nature and extent of the powers, have a common object, which is to increase and secure the liberty, and promote the prosperity and happiness, of the people. And if they do not proceed harmoniously in the accomplishment of these great objects, it must be attributed more to the jealousy and selfish ambition of the persons selected to perform their various functions, than to discordant principles or dissimilarity of interests. The powers of the Federal Government are granted in general and comprehensive terms. It was not practicable to trace these powers in all their ramifications, or to describe minutely every act which the Government could rightly perform. If the terms are not sufficiently general to embrace all the powers which properly belong to the subject, the mode pointed out, by which to remedy this defect, is to amend the Constitution.

"New States may be admitted by the Congress into this Union." *May be admitted* implies that Congress must exercise their discretion. This discretion, however, is not unbounded or unrestrained: it is limited by the Federal Constitution, and must always be exercised in conformity with its princi-

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ples. This discretion, in the present case, is further limited by the third article of the Treaty of Louisiana, which provides that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of the citizens of the United States."

To admit a new State into this Union is not an act of legislation which a subsequent Legislature can repeal. The act of admission, whether with or without conditions, is a compact between the United States of the one part, and the new State of the other part. The United States grant their protection, together with an equal participation in the resources of the nation and in the Government thereof, in conformity with the principles of the Federal Constitution. For these advantages the new State places its resources at the disposition of the Federal Government, and submits to the restrictions imposed on its power by the Federal Constitution, and by the compact of Union made in conformity with the principles of that Constitution. The relations of the political family are modified; the principles upon which the association has been established cannot be changed without the consent of the people.

The gentleman from Maryland (Mr. PINKNEY) stated that Congress has a discretion to admit or not to admit new States into this Union, but no power to impose any restriction or limitation on the power of a State as a condition of admission; that if a State is admitted, it must be admitted with the same rights and with the same political powers as the original States; and that no State, in giving its consent to the admission of a new State, can impose any restriction on the power of the new State.

If Congress has no right to impose restrictions and limitations on the powers of a State, as conditions upon which it may be admitted into the Union, any which may have been thus imposed are unconstitutional and void. The original States were entitled to all the unappropriated lands, and exercised absolute jurisdiction over all the territory within their limits; and the new States cannot be placed on an equal footing with the original States, without giving them the same rights and the same jurisdiction. Since the adoption of the Federal Constitution, nine new States have been admitted into this Union, and, with the exception of Kentucky and Vermont, which were peculiarly situated, Congress has imposed on all these States conditions which diminish their political power, limit their jurisdiction over the soil, and affect their rights to property within their limits; and, if I mistake not very much, the amendment to this bill, reported by the Judiciary Committee, contains similar conditions. The State of Virginia consented to the admission of Kentucky into this Union on eight conditions, some of which abridged the political rights and jurisdiction of Kentucky. The very bill before you, sir, is predicated on the consent of the State of Massachusetts for the admission of the District of Maine

into this Union; which consent has been given and accepted on nine conditions, some of which materially affect the political rights and jurisdiction of the proposed State.

The proposed restriction does not interfere with any property which was in Louisiana, when it was ceded to the United States, nor with any which has been since acquired; it does not therefore conflict with, or violate, in any respect, the treaty of Louisiana. This restriction has no relation or necessary connexion with any constitution or form of government which the people of Missouri may think proper to adopt, nor does it limit the jurisdiction, or restrict the political power of the proposed State over the soil, or in relation to any property now within its limits. If Congress has not the right to prescribe as a condition upon which a new State may be admitted into this Union, that it will prohibit the further introduction of a species of personal property which is not considered to be a legitimate object of commerce, much less has Congress the right to impose any conditions which will abridge the political rights, and limit the jurisdiction of the State over its territory, over the soil, and the property within its limits. But it has been said that the "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," gives to Congress the right, on the admission of a new State, to impose conditions respecting the public lands. The power to regulate commerce among the several States gives to Congress the same right to impose conditions to prohibit the further introduction of slaves—a right which might be enforced in the ordinary modes of legislation; but which, in that form, would (in some parts of the country) produce inconvenience and unnecessary restraints.

"The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," to guaranty that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," and to compel the restoration of persons who have fled from justice, or from service or labor in one State to another State.

These powers are not only expressly, but they are necessarily given to Congress; they result from the very nature of the Federal Government; for, if there were no Federal Government, if the States were perfectly independent, their relations and their intercourse with each other, whether personal or commercial, would necessarily be regulated by treaties between the parties and by the laws of nations.

Commerce is a barter of goods, an exchange of moveable property; slaves are persons; but, by the laws of some of the States, they are also property, and they are a description of property in which commerce may be carried on, because they may be taken from places where they are less valuable to places where they are more valuable.

Under the power to regulate commerce with foreign nations, Congress has prohibited the importation of slaves from foreign countries. Why have the nations of the civilized world (with but few

exceptions) united in abolishing the slave trade? Because human beings are not legitimate objects of commerce; because this trade is repugnant to the feelings of humanity, and inconsistent with the mild doctrines of Christianity.

If Congress has the power to prohibit the importation of slaves from foreign countries, (which I believe has not been doubted,) they have the same power to prohibit the migration or transportation of slaves from one State to another State, from States to Territories, and vice versa. The terms in which the powers are granted are in both cases precisely the same.

The proposed amendment will prevent the present inhabitants of Missouri from bringing in slaves from other States; and it will prevent emigrants from taking slaves with them to Missouri in the character and capacity of slaves.

By preventing the present inhabitants from bringing slaves from other States, the demand for that species of property will be increased and the price enhanced. Would this be an evil, an injustice of which the people of Missouri would have a right to complain? No, sir; this measure would affect their rights in the same way that the prohibition of the foreign slave trade affected the rights and interests of the people of the Southern States, but not to the same extent, because the products of the South are more valuable and labor more productive there than in the Missouri. Had the people of Louisiana been permitted to import slaves from Africa or from the West Indies, they could have procured slaves for two or three hundred dollars each, at a time when they had to give from eight to twelve hundred dollars each for slaves brought from the other States—making a difference of four hundred per cent. The French planters of Louisiana generally prefer the West India slaves, but admit that they are worth but half as much as the American slaves, and it will leave a difference of two hundred per cent., a much greater difference than would be made in Missouri by the proposed restriction. Viewing this subject, therefore, with reference to immediate pecuniary interests, without any regard to the justice or policy of slavery or of the ultimate consequences of its extension, the people of Louisiana have much greater cause to complain of the prohibition of the foreign slave trade, than the people of Missouri would have to complain of the prohibition of the domestic slave trade. Why, then, has the importation of foreign slaves been prohibited? Why have the interests of the people of Louisiana been sacrificed? Because in this respect they were opposed to the interests of the nation, and did not harmonize with the rights and interests of mankind.

The proposed restrictions will prevent emigrants from taking their slaves with them to Missouri. It has been said that Louisiana was purchased with the money of the nation, for the common benefit of all, and that it would be unjust to prevent the Southern people from taking with them their slaves; because it would deprive them of any participation in the advantages of that country. This argument is predicated on the supposition

that slavery is not a moral or political evil from which the Southern people wish to escape, but a blessing, which they desire to extend, to diffuse, and to perpetuate. The people of the South are not, nor can they be, excluded from Missouri. It is only proposed to prevent their taking with them their slaves in the character and capacity of slaves, upon the same principle that emigrants from the West Indies would be prevented from bringing their slaves with them to the United States. Nor would the proposed measure have the effect to exclude the Southern people from Missouri. While it would prevent some from going, it would operate as an inducement to others. One-third, perhaps one-half, of the citizens of the States northwest of the Ohio, have migrated from the slaveholding States, and with many of them it has been a principal motive to find a home in a country where there are no slaves. It is conceded on all sides that a State has a right to abolish slavery within its territory. Suppose Missouri were voluntarily to follow the example of the States northwest of the Ohio, and provide for the abolition of slavery, or at least liberate all those who hereafter might be brought within her jurisdiction; would the Southern people contend, in such a case, that their rights were thereby violated? No, sir; they have the same cause to complain of Pennsylvania, or of New York; they had the same cause to complain of the prohibition of slavery in the Northwest Territory, and in the States which have been there formed. In the last case Virginia had much greater cause to complain; yet Virginia, who has always been distinguished for intelligence, and equally distinguished for the jealousy with which she has never ceased to guard State rights; Virginia has not only acquiesced, but has received, and, I have no doubt, justly received, the credit of bringing forward that system.

If Missouri has a right to liberate the slaves which may be brought within her jurisdiction, she may, as a condition upon which she will be admitted into this Union, bind herself to exercise that right, without impairing any right possessed by the people in the slaveholding States.

When the Federal Constitution was formed, slavery existed in the country; it was necessarily sanctioned in the form in which it existed; but it is evident, as well from the language and provisions of the Constitution, as from the history of the Government, that power was given to Congress to prevent its further extension. The word slave is not found in the Constitution, and where it has been necessary to refer to slaves, it has been done by a circumlocution. The restrictions on the powers of Congress contained in the ninth section of the first article, which has a direct relation to this subject, is expressly confined to the States now existing. The only clause which apparently conflicts with the foregoing, viz., "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union," &c., admits of a satisfactory interpretation, which is not inconsistent with the obvious construction of the former clause. In 1785 and in

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1786 the State of Virginia passed acts to authorize the District of Kentucky, then a part of Virginia, to be admitted into the Union as a member of the Confederation. The application of Kentucky was pending before the Continental Congress at the time the Federal Constitution was adopted.

Before the commencement of the Revolution, settlements were made in Kentucky, which received great accession to her population immediately after the close of the war. The District of Kentucky (as a part of Virginia) was a party to the Federal Constitution, and was, under that Constitution, entitled to her full participation in the Federal Government in proportion to the numbers of her white and black population. In relation to the Federal Government, therefore, Kentucky gained nothing by admission into the Union, with the exception of a separate and equal representation in the Senate. This clause was, no doubt, intended to embrace Kentucky, and perhaps Tennessee, (then a part of North Carolina,) which had been settled under similar circumstances.

The ordinance of the 13th July, 1787, which was passed before the formation of the Federal Constitution, prohibited slavery in the territory northwest of the river Ohio, then the only territory of the United States. One of the first acts of the Federal Government was to adapt this ordinance—on the 7th August, 1789—to the Federal Constitution. This ordinance has not only been the foundation of all the territorial governments (except Missouri and Arkansas) which have been established by Congress; but, with the exception of Kentucky and Vermont, it is the basis of all the constitutions of the new States which have been admitted into this Union. All the States acquiesced in it at the time, and the States of Virginia, North Carolina, and Georgia, expressly sanctioned it. Under every administration, and by every Congress, acts have been passed to apply and to extend the provisions of this ordinance.

But the gentleman from Maryland (Mr. PINKNEY) has said that the ordinance of 1787 was an usurpation, and is absolutely null and void; that the Articles of Confederation gave to the Continental Congress no power to acquire land, or to form a territorial government. If this doctrine is correct, sir, the United States have no right to the territory northwest of the river Ohio, which was acquired by the Continental Congress; and, if the rule of construction laid down by the gentleman can be fairly maintained, that Congress has no right to impose any condition whatever on a new State when admitted into this Union, it follows as a necessary consequence that the States northwest of the river Ohio are entitled to all the unappropriated lands within their respective limits, and to the proceeds of all the lands sold by the United States within these States since they were respectively admitted into this Union.

But it is not necessary, in relation to the present subject, to discuss the force or validity of the ordinance of 1787, as the powers exercised by the Continental Congress, in passing this ordinance, have

been expressly granted in the Federal Constitution. I have adverted to this ordinance to show the sentiments of the members of the Convention, and the uniform opinions of the different departments of the Federal Government, in relation to this subject, from its organization to the present period.

I believe that Congress has the right to adopt the proposed amendment, and that the exercise of that right will promote the solid and permanent interests of the nation.

Mr. MORRIL, of New Hampshire, said:—It was not my intention, Mr. President, at the commencement of this discussion, to have presented myself again to the notice of the Senate, on this subject. I am sensible, at this late period of a protracted debate, there is little satisfaction in speaking, and perhaps less in hearing. But, sir, it is due to myself to make some reply to remarks which have fallen from honorable gentlemen on this question.

I will first answer the interrogative triumphantly put by the honorable gentleman from Kentucky, (Mr. LOGAN,) "why were not conditions required on the admission of Vermont?" Vermont exercised the powers of a State some years before she was formally "admitted into the Union;" then formed her constitution, which excluded slavery, petitioned Congress in a regular manner, and was "received as a new and entire member of the United States of America."

Sir, perhaps I may have no better opportunity than the present to make a few remarks upon some intimations thrown out by my venerable friend from North Carolina, (Mr. MACON). The honorable gentlemen considered Missouri in the same relation to the United States as the colonies were to Great Britain, previous to the Revolution. "The colonies, by their resistance, caused Great Britain to yield; and Missouri will compel the States to yield. We must consult the feelings of Missouri—her character and views—she must be satisfied, or we cannot get along." And then inquires, "what will you do with this territory, if she refuse your proposals?" Intimating dreadful resistance, backed up by Virginia,* "like a fire in the woods that cannot be stopped," (as has been observed by a gentleman from the West,) "but with blood." Sir, I would look on with silent indifference. Are the views, feelings, and interests, of more than three millions of people to be subordinate to fifty thousand in the Territory of Missouri? If this be the fact, I apprehend it becomes us to "look well to the West."

Missouri may be admitted, in a Constitutional manner, at a proper time, on fair and reasonable conditions; neither humiliating nor invidious. This rests with her; it is at her option. Sir, I would ask, in my turn, what will you do with Maine, if you reject her application. If Missouri is refused admission, it will be for good reasons; but, if Maine is refused, it will be without any. If alarm is to be excited, and danger apprehended from Missouri, with her 50,000, much more is to be feared from Maine, with her 300,000; or the citizens of

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Maine are truly of a more pacific, liberal, and considerate character than the good people of Missouri.

Sir, I have nothing to fear from either section of the country. I apprehend no hostility whatever. We may hear about "fire that cannot be quenched," but with blood—desperate resistance—Cæsar and Rome—the brother's sword piercing the brother's breast;" but, I imagine, this war will never extend beyond the walls of Congress. I scarcely believe it is in our power, if we were disposed, to excite in the people of this country such a desperate conflict. I rely too much on the good sense of the community to apprehend such rashness. They too well know the advantages of harmony and union, (and it is strange that we do not,) to pursue any measure which shall tend to a severance of the confederacy.

Mr. President, I now proceed to examine a few of the remarks made by the honorable gentleman from Maryland, which were particularly directed to positions which I had the honor to advance. I shall not follow the gentleman through his long and eloquent train of reasoning on this subject, nor attempt to embellish my story with the rarities of foreign countries, or the decoration of antiquity; but to adopt that plain and unaffected style which I hope will secure to my arguments an immovable basis. The honorable gentleman observed, that no argument could be founded on that clause in the Constitution which restricts the power of Congress to prohibit "the migration or importation of slaves till 1808." I venture the opinion, that it follows from this restriction, that, if it had not been inserted, Congress would have had power to prohibit the commerce, under the general powers of Congress, aided by the power to regulate commerce.

"No bill of attainder shall be passed." Sir, I ask the gentleman, if this prohibition had not been inserted, what would have prevented Congress from passing a "bill of attainder?"

"No tax or duty shall be laid on articles exported from any State." Could not a duty have been laid on exported articles, had it not been for this restrictive clause?

"No vessel bound to or from one State shall be obliged to enter, clear, or pay duties, in another." Who will dispute the power of Congress to have made different regulations respecting this commerce, had not this prohibition been inserted in the Constitution?

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; or coin money." Can it be a matter of doubt that different arrangements might have been made and adopted by the States, had not these restrictions have been introduced? Some States did coin money before the adoption of the Constitution, and this is the only probable reason why they do not now.

Hence, we believe, had not the prohibition been inserted restricting the commerce of slaves, it might have been suppressed, or laws passed for that purpose, previous to the year 1808.

The next effort the honorable gentleman makes, is, to destroy the validity of the ordinance of 1787;

and this he roundly affirms was complete assumption. Sir, I am too young and inexperienced in legislation to express an unqualified reprobation of the measures of the old Congress, and too incredulous to admit the assertion when made by another. I approach them with deference, and have too high an opinion of the virtue, integrity, and wisdom, of the statesmen and heroes of that day, not to respect their legislative acts. The immutable principles on which those acts are placed, are too invulnerable to suffer any deterioration from the charge of assumption.

But, sir, let that be as it may, the practical operation of that ordinance has demonstrated its utility, in every State admitted into the Union since Kentucky, and in every territory which has been under the control of Congress. Look at Illinois, Indiana, and Ohio, with her 500,000 inhabitants, among whom is not a "single slave" to be found, and learn the salutary effects of this ordinance, said to be founded on assumption. On that ordinance, I confess, I placed my argument with some confidence, and that confidence is not shaken by any stricture offered by the honorable gentleman from Maryland.

The gentleman next attempts, with a single dash, to sweep away all former legislative acts, relative to the admission of States, which contain any conditions—they are all erroneous; the restrictions on Louisiana "border on the ridiculous."

The only refutation that I deem necessary, is, to say this discovery was reserved for the Congress of 1820. These principles have been applied, in all similar instances, at different times, by different persons, and under different administrations, and it never has been ascertained, till this Congress, that they were altogether injudicious and assuming.

The honorable gentleman says, with great energy, "I assume the fact, ye have no power to restrict, and no one can assume the fact, ye have the power." Sir, I do not wish to "arrogate, claim unjustly, or suppose without proof;" I prefer demonstration; and, for myself, I feel satisfied that I have clearly demonstrated that Congress have power to prescribe conditions, on the admission of new States into the Union.

Mr. President: We next find the honorable gentleman at war with the Declaration of Independence. This, he undertakes to show, is absurd and untrue. Sir, modesty requires me to approach this instrument with veneration, if not with reverence. Let no unhallowed hand tarnish its spotless purity. And what does the gentleman say? "That all men are created equal" is absurd, because one is born poor, another to inherit a fortune—one a peasant, another a prince—one a slave, another a freeman. I presume the equality intended does not consist in the fortune they may enjoy, or the rank they may hold in society, but in the inalienable right with which every one is indued, by his Creator, to enjoy "life, liberty, and happiness."

But the gentleman contends, we have no inalienable rights, for we may barter or transfer them at our pleasure. Admit a person may put his own life, liberty, and happiness, in jeopardy; this is not

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denied in the Declaration. But the assertion is, that all men have that right to life, liberty, and happiness, of which they cannot be deprived or divested by another, without a due course of law.

The gentleman also contends, that the power to justify Congress to act must be positive; they have no positive power to restrict slavery in Missouri, and, therefore, they have no power at all. To this doctrine I cannot yield my assent. I maintain that Congress have incidental powers, arising from powers positively expressed. They have express power to establish post offices; and, suppose it might be absolutely necessary to locate one in a certain place, to which there was no suitable highway, would they not have power to provide a way to get to their post office? I presume they would.

Suppose, again, Congress should purchase a site and erect a fort, and there should be intervening territory, but no highway by which they could pass to the fort; would they not have power to open one, by which they could enjoy the advantages derived from the exercise of an express power? I view these cases too clear to need comment.

Again, the gentleman said "tell me nothing about a difference between federal and local, or State rights." I presume he did not mean there was no difference; this, as a statesman, he would not maintain. He only meant to evade the arguments adduced to demonstrate that difference.

In the first part of the honorable gentleman's argument, he observed, he would have nothing to do with books or precedents; he was not fond of introducing them on such occasions. I felt implicated by the remark, and not perfectly pleased with the manner; because I had frequent reference to your statute book and the notes of the late President Jefferson, as authorities on which I supposed it was safe to found corresponding positions.

But, sir, I find we are all disposed to have recurrence to books, when they support our arguments; and when they will not, we as readily omit them.

I presume this was the reason why the honorable gentleman did not have recourse to books in the commencement of his remarks (as he introduced them afterwards,) for, I imagine, if he had traversed the four quarters of the globe, he would not have found a volume containing principles or precedents which would have sustained some of the positions he advanced.

Mr. President, the honorable gentleman, and my good friend from South Carolina, (MR. SMITH,) intimates that slavery is tolerated by the Christian religion; and those who are opposed to the extension of it, swerve from its principles; which, they say, are "peace on earth, and good will towards men." I admit it, sir, and add, the same system "proclaims liberty to captives," and restoration to them that are bound.

But, it is said, the author of this system commanded servants to be obedient to their masters; and, therefore, slavery was supported by the Gospel. I admit the command, but deny the inference. A slave is a servant, but every servant is not a slave. I view those gentlemen as servants—honorable public servants, but not slaves.

But honorable gentlemen seem strongly attached

to the Jewish theocracy, and emphatically call my attention to the declarations recorded in Leviticus, xxv. 44, 45, and 46 verses. Sir, I have not said slavery did not exist in that age and under that economy. I have not said it does not *now* exist; neither have I said it *should* not now exist. But I have said, it should not be extended beyond the Mississippi. Really, sir, I do not see the pertinency of this reference, nor a wound inflicted by the force of its application. But, sir, admit its correctness; will the gentlemen contend that the theocracy of that age, under the Jewish monarchy, is applicable to this refined age, this era of political and moral improvement, and the republican institutions of the free-born sons of American liberty?

Sir, if those gentlemen are so enamored with the Jewish theocracy and customs, I would desire them to adopt the *whole system*. I would then ask them how they would like the application of another Jewish law: Numbers, xv. 32, 33, 34, and 35. "The man that gathereth sticks upon the Sabbath day shall be surely put to death; all the congregation shall stone him with stones, without the camp."

I presume, if any of the family of either of those honorable gentlemen were to be so treated, they would complain bitterly, and pronounce it anti-republican, not suited to the latitude of Maryland or South Carolina.

But, sir, I ventured to say, in the course of my remarks, that slavery was anti-republican, and contrary to the genius of our Government, and, in the same proportion that it was extended, it contaminated the genuine principles of the system. And the honorable gentleman from Maryland, to invalidate the force of my reasoning, tells us that slavery was introduced into Sparta to encourage a spirit of liberty; that its excellences might the more clearly be discovered, and sensibly realized. I ask the honorable gentleman why slavery should tend to exhibit the excellence of liberty? Because it is homogeneous; or because it is heterogeneous? I presume the latter, being directly opposite. This, sir, is what I supposed; and for this very reason, and on this principle, I advanced the position of which the gentleman complained, that, in the same proportion it is extended and diffused into society, it depraves republican purity. I thank the gentleman for reminding me of the fact; if there is any pertinency in the remark, it applies forcibly to sustain my argument. I have heard of persons suspending the most ugly and deformed pictures beside those of the most exquisite taste and beauty, that the art of the limner, the skilful touch of the pencil, the harmony of its parts, and the expressions of life and vivacity, might more forcibly catch the eye, attract the attention, and affect the heart.

But, sir, are we, in this enlightened age, in this period of political and moral refinement, in this age of science and literature, after Republican America has for more than forty years enjoyed the blessings of liberty, called upon to retain a portion of our fellow-creatures in slavery, that the remainder may learn how to estimate their free-

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dom? Sir, never let it be said that the Republic of the United States will justify the servitude of one human being that others may be taught the value of their blessings. On this principle, we might go to whipping some, that others might know how good it is to have a sound back; and to the hanging of others, that spectators might learn what a fine thing it is not to be hanged.

Sir, I presume, in these cases, the honorable gentleman much rather see the example than be the victim.

Mr. LOGAN also spoke to the question before the House, when the further consideration of the subject was postponed to to-morrow.

FRIDAY, January 28.

The PRESIDENT communicated a report from the Secretary of War, showing the number of Clerks employed in that Department during the year 1819, and the compensation which each has received; and the report was read.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Cornelia Schoonmaker, administratrix, and Peter Marius Groen, administrator of Zachariah Schoonmaker, deceased, late paymaster of the 2d regiment of the United States volunteer artillery, made a report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted. The report and resolution were read.

Mr. ROBERTS presented the petition of Richard O'Brien, late Consul General at Algiers, praying that the Secretary of State may be authorized to audit and settle his claim against the United States on the principles of equity and justice; and the petition was read, and referred to the Committee on Foreign Relations.

Mr. EATON, from the Committee to whom the subject was referred, reported a bill for the relief of the officers and soldiers engaged in a late campaign against the Seminole Indians, and the bill was read, and passed to the second reading.

Mr. RUGGLES presented the petition of Theron Freeman, of the State of Ohio, praying compensation for his services as wagon-master in the employment of the United States, as stated in the petition; which was read, and referred to the Committee of Claims.

The bill entitled "An act making appropriations to supply the deficiency in the appropriations heretofore made, for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's House, and the erection of two new Executive Offices," was read the second time, and referred to the Committee on the Public Buildings.

The bill to remit the duties on a statue of GEORGE WASHINGTON was read the second time.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of John Nicholls, and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the committee, to whom was referred a resolution directing an inquiry, whether it be ex-

pedient to increase the number of copies of the Journal and State Papers, which hereafter may be printed by order and for the use of the Senate, and, in concurrence therewith,

Ordered, That hereafter there shall be printed twenty-five copies of the Journal and State Papers, in addition to the number which has been hitherto printed for the use of the Senate.

The Senate resumed the consideration of the motion of the 27th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expedience of discontinuing one post road and establishing another in the District of Maine, and agreed thereto.

The bill entitled "An act to alter the terms of the court of the western district of Virginia," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands, and the further consideration thereof was postponed until Tuesday next.

MISSOURI QUESTION.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the admission of the State of Maine into the Union," together with the amendments proposed thereto.

Mr. VAN DYKE, of Delaware, rose and addressed the Senate as follows:

Mr. President: Conscious that I cannot add to the force of arguments which have been already urged against the proposed amendment, with unvalled powers of eloquence, nothing but a sense of duty, growing out of the peculiar situation in which I stand in relation to this question, could induce me to trespass on the patience of the Senate. This subject, sir, has produced much excitement in different sections of the Union; that excitement has pervaded the State which I have the honor in part to represent; there, too, public meetings have been called; opinions in favor of the proposed restriction have been expressed, and are published under the sanction of names deservedly esteemed for talents and integrity. The Legislature of that State also, in their wisdom, have resolved, that the proposed restriction is compatible with the Constitution, and ought to be adopted as a measure of sound policy. That resolution is now upon your table. The opinion of that honorable Legislature justly merits, and will ever command, my sincere respect. To their confidence in me I am indebted for a place in this dignified assembly; to deserve and retain the good opinion of that honorable body will ever be my highest ambition. But, sir, as it is my misfortune to differ from them in sentiment on the great Constitutional question, I am not satisfied to give a silent vote.

The honorable gentleman from Pennsylvania who moved the amendment, remarked, that it was a question of great importance between the people of the United States and those of Missouri. It is, sir, a question of importance, because it involves the construction of the great charter of our liberties. The zeal with which the amendment has

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been urged and opposed, evinces that it excites more than common interest. A question touching the extent of powers delegated to Congress by the Constitution, must ever be deeply interesting; for in its decision are implicated the rights reserved to the people, and the sovereignty of the States. It was, however, not anticipated that the Declaration of Independence would be resorted to, as furnishing a key to the construction of the Constitution of 1787, or that arguments would be drawn from that source to give color to a claim of power under the latter instrument. Much less was it expected that the recital of abstract theoretical principles, in a national manifesto in 1776, would be gravely urged at this day, to prove that involuntary servitude does not lawfully exist within the United States. To these principles the honorable gentleman has referred, with an air of triumphant confidence, reminding us that the whole people then united in proclaiming to the world, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Sir, these principles are correct, and intelligible in the political sense in which they were used by the statesmen who signed that manifesto. They are the received doctrines of schools, in relation to man, as he is supposed to exist in the fancied state of nature. But that individuals, entering into society, must give up a share of liberty to preserve the rest, is a truth that requires no demonstration. Those principles formed correct premises from which to draw the conclusion, "that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that the people have a right to alter or to abolish one form of government, and to institute new government." They also formed correct premises from which (under existing oppression) was drawn the inference, "that these united colonies are, and of right ought to be, free and independent States." But, Mr. President, the distinguished statesmen who pledged to each other, "their lives, their fortunes, and their sacred honor," in support of that declaration, were not visionary theorists; they were men of sound, practical, common sense, and, from the premises assumed, arrived at sound practical conclusions. When we call to mind the state of this young country at that awful moment, struggling for the right of self-government, engaged in war with the most powerful nation of Europe, pressed on all sides with accumulating difficulties and dangers, can it be credited that the Declaration of Independence was designed to dissolve the bonds of social order throughout the States—to reduce all men to a state of nature, and to set at large a host of slaves, the readiest instruments to be employed by the enemy in the work of destruction, in the very bosom of the nation? Think you, sir, that it was meant to invoke the genius of universal emancipation, and to proclaim liberty and equality to every human being who breathed the air, and trod the soil of this new Republic? The faith of that man who can believe this, is much stronger than mine. No, sir, that manifesto was not in-

tended—was not understood—to abolish or to alter any law then existing in any State for the security of property, or for the regulation of their internal concerns. Self-preservation—a regard for their own personal safety, and that of their families, and a regard for the best interests of the nation—forbade those sages to do such an act. But, sir, were slaves liberated in any State of the Union by virtue of the Declaration of Independence? Never. On the contrary, wherever emancipation has been effected, it has been by the authority of State laws; and every State has assumed, and invariably exercised, at its discretion, the right of legislating about this class of persons, down to the present day. Pennsylvania, so justly applauded for her benevolence towards these persons, did not admit that they obtained freedom under the Declaration of Independence, for she undertook to loose their chains gradually, by her own legislative authority, in 1780; and even at this moment some are held in involuntary servitude in that State. In truth, sir, we cannot advance a step in the history of the Revolution, without meeting evidence that there were in the nation two separate classes—free men, and those who were not free. Consult the articles of Confederation, emanating immediately from the act of Independence, and signed by many of the same men who signed that declaration, and, in article 4, "free inhabitants of each State," and "free citizens," designate the persons who were to enjoy privileges and immunities under that Government, plainly indicating that there was another class of persons in the country, who were not free, and not entitled to those privileges. Consult the Treaty of 1783, which acknowledged the independence of these States, and you will read a stipulation, on the part of the British, for the restoring "of negroes or other property of the American inhabitants."

Another war with the same Power has been recently waged, and is happily terminated by the Treaty of Ghent, in which you again find a stipulation for the restoration of "slaves or other property." Sir, the Federal Constitution, whose powers are now under examination, in providing for the delivering up of fugitives from labor, held to service under the laws of a State, recognises as well the existence of such a class of persons, as that they are held under the State. Open your statute book, examine the different acts which have been passed at different periods, in which it became necessary to notice this class of persons, and you shall be forced to acknowledge that Congress has enacted laws recognising them as property; sometimes describing them as fugitives from labor, at others calling them slaves. Thus, sir, the act of 12th February, 1793, provides for executing the Constitutional provision relative to fugitives from labor. The statute erecting Louisiana into two Territories, in 1804, in the same tenth section which was read by the honorable gentleman from Pennsylvania, speaks in plainer language where it provides, "that no slave or slaves shall, directly or indirectly, be introduced into said Territory, except by a citizen of the United States, removing into said Territory for actual settlement, and being at the time of such removal, bona fide owner of

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such slave or slaves." This section, sir, establishes two facts: First, that a citizen of the United States may be bona fide owner of slaves. Second, that such citizen had the right of removing with his slaves from any State into the newly acquired Territory of Louisiana.

By the act of 2d March, 1807, to prohibit the slave trade after the first of January following, the ninth section regulates the carrying of slaves coastwise from one port to another in the United States, and prescribes the form of an oath to be taken by the captain of the vessel and the owner or shipper of the slave; a part of which oath is, "that under the laws of the State they are held to service or labor." From this cursory review, Mr. President, I am justified in assuming that the Articles of Confederation, public treaties, the Federal Constitution, repeated declarations of Congress, in statutes passed under that Constitution, connected with the history of the country, and the uniform course of State legislation, establish incontrovertibly that involuntary servitude has existed and yet exists in the United States, and has ever been universally acknowledged to be a subject of State jurisdiction. Yes, sir, however painful the reflection, truth compels us to acknowledge that the evil still exists; it has been entailed upon the nation by the avarice of Britain, forcing upon her infant colonies a slave population, against their will, against their humble petitions, against their spirited remonstrances.

[Mr. ROBERTS rose to explain, and said he should not contend that slavery does not exist in the old United States, but should insist that Congress had a right to prohibit it in the Territories, and to impose on Missouri the terms proposed by the amendment.]

Mr. President, the honorable gentleman, in opening the debate, did assume the Declaration of Independence as the broad ground of his argument. From his course of reasoning, I was impressed with the belief that he meant to enforce those principles in their full extent, and his declaration to me personally a few minutes since, that he intended to go the whole length of those principles, confirmed the impression. But, sir, as such intention is now disavowed, I forbear to press the argument further.

I proceed, sir, to examine the Constitutional question which the amendment presents. Happily, Mr. President, we are not investigating the principles of a Government whose origin is buried in the rubbish of antiquity—whose powers are to be collected from history or tradition—which relies on precedent and usage to give color to the usurpation of power in every emergency: acquiring new vigor from every succeeding precedent; and often from precedents created in times of foreign war and domestic violence. Happily for this nation, its Constitution is a written instrument, framed in a time of peace, with care and deliberation, by the most enlightened men, and penned with all the accuracy and precision that serious thought and calm reflection could insure. Its history is brief, and known to all: the time and manner of its creation, the circumstances attending its adoption,

are familiar. Many of the enlightened statesmen whose talents and labors were devoted to this great work, yet live to share the honors which their grateful country bestows, as a reward due to their distinguished merit.

We must remember, then, Mr. President, that it is a written compact, thus created, thus adopted, whose powers we examine. To insure a correct result, it is proper to bring into view certain rules of reason and common sense, applicable to the construction of all written instruments. That we must look to the intention of the parties, as the polar star, is the great leading rule of construction. This rule applies with equal force to the contracts of individuals in private life—to compacts between sovereign, independent States, as public treaties, and to a compact between the people and Government, in the form of a constitution. To ascertain the intention of the parties, and to execute the compact in good faith, is the duty of an honest statesman. The intention, sir, is most naturally and safely collected from the language and expressions used in relation to the subject-matter. If the expressions be so indefinite or inartificial as to leave the intention doubtful, a comparison may be made of different parts of the instrument for elucidation, and from that comparison an intention may be inferred not incompatible with what is plainly and certainly expressed. Should doubts still remain, the mind recurs to the situation of the parties at the time of the compact, and judges, from the known condition of the parties, how far the proposed construction may comport with reason and good sense. These are means used, under different circumstances, to arrive at truth. In examining a claim of power under this Constitution, when we recur to the specific enumeration of powers, attend to the prohibitions there written, and read that jealous declaration of the tenth amendment, that all power not granted is reserved, the conclusion is irresistible, that the United States Government is one of limited powers; that, although supreme and sovereign as to all matters within its legitimate sphere of action, yet it cannot claim a general, unlimited sovereignty. The people have created State governments also, and have delegated to them other portions of power within the State limits for the regulation and management of their internal domestic concerns. A British statesman may boast of the omnipotence of a British Parliament; but an American statesman will never claim the attribute of omnipotence for an American Congress. Need I adduce any authority to establish this position? I refer to the opinion of the highest judicial tribunal in this nation. "This Government (say the Supreme Court, in the celebrated United States Bank cause,) is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. That principle is universally admitted." And, again: "We admit, as all must admit, that the powers of the Government

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'are limited, and that its limits are not to be transcended." With this agree the opinions of distinguished statesmen, addressed to the people, while the Constitution was under consideration. Mr. Madison, in No. 45 of the *Federalist*, says, "The powers delegated by the proposed Constitution to the Federal Government are few and defined; those which are to remain to the State Governments are numerous and indefinite."

To the advocates of power, in any instance, the people may with propriety say, show the grant of the power in the Constitution. It is incumbent on you to show either that it is granted as a substantive, independent power, or that it is incidental to such a power, by being necessary and proper to be used as a mean to carry such a power into execution. If you cannot show this, your claim is bad, your pretension must fail. In the present instance you search in vain among the enumerated powers of the Congress: examine the whole catalogue, with the most scrutinizing eye, it is not found there: proceed to the section which enumerates all that is prohibited to the States, nothing there written can furnish a plausible ground to infer that such a power was intended to be delegated to Congress. It is not then a substantive, independent power, specified and defined in the general enumeration of powers; nor can it, in my view, be raised by necessary implication. Can it with any color of right be asserted, as a power necessary and proper for carrying into effect any of the specified powers? Here, sir, the advocates of the amendment are equally embarrassed. With which of the specified powers is it connected? which of them calls upon it for aid, or which of them can receive any aid from it? Is it necessary to aid in laying and collecting taxes, borrowing money, or regulating commerce? Sir, you shall name in succession every power enumerated in this instrument, examine and consider them in all their various bearings and relations to the interests and concerns of this nation, and reason and candor shall compel you to acknowledge that the power now claimed to impose this restriction has not the remotest connexion with any of them.

But, Mr. President, it is contended that, though not expressly granted, yet the power may be fairly inferred. It is somewhat unfortunate, however, that the friends of this amendment cannot agree among themselves as to the article and section of the Constitution from which it may be inferred. One honorable gentleman points to the 9th section of the 1st article: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808." He contends that the persons here referred to are slaves, and that, as the prohibition was limited to a period of time now past, Congress may now interdict the migration of citizens, with their slaves, from one State to another, or from the old States to the new State of Missouri. The attempt to infer so important a power from this prohibitory clause, is novel, unprecedented, and dangerous; and, in my humble opinion, is contrary to the genius of the Constitution, containing an enumeration of the

delegated powers, which was penned with care and precision, and cannot reasonably be presumed to leave such a power to be extracted from a prohibition. Such inference is, therefore, denied. Further, sir, it is not granted that "migration" was intended to apply to "slaves," though "importation" does; having a reference to the general power of regulating commerce, by virtue of which Congress might have imposed a prohibitory duty on the importation of slaves, at their discretion. This right was, therefore, restrained, for a certain time, at the instance of the Southern States. But the permitted duty is confined to the "importation," leaving the migration free. Migration also, as was justly remarked by an honorable gentleman from Georgia, implies free agency, and the exercise of will, in the persons migrating, which cannot correctly be predicated of a slave. But, sir, even if the word "migration" be construed to apply to slaves, as well as the word "importation" in that clause, yet I deny that it was intended to refer to the several States, or to give Congress the power at will to prevent the removal of a citizen, with his family and property, (and slaves may come under both descriptions,) from one State to another. The term migration, associated with importation, must be taken to refer to a foreign country or territory, as the *terminus a quo*: the migration begins, and therefore applies only to foreigners, not to inhabitants of the United States. In this sense it is used in the Declaration of Independence, which furnishes a standard construction in a prior State paper, to which we may safely refer, and most probably the term was transplanted from that instrument into this Constitution. In the recital there of the grievances which the colonies had suffered at the hands of the King, we read: "He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners—refusing to pass others to encourage their migration hither," evidently meaning the migration of foreigners from a foreign country to the States, and as evidently excluding slaves, who were not persons to whom naturalization laws applied.

Surely, sir, a power to prohibit freemen from removing from one State to another, with their families and property, ought not to depend on abstruse reasoning, or uncertain inference, or be raised by implication in a written constitution. What is it but a power to create a State prison of a slaveholding State; to incarcerate the citizens of the Southern States with their black population, or reduce them to the ruinous alternative of abandoning their lands, as the only means of escaping from a state of confinement the most odious that can be imagined? Think you, sir, that such was the intention of those who signed that instrument, and recommended it to their fellow-citizens? Think you, sir, that the people of the Southern States, in adopting the Constitution, meant to delegate such a power to Congress? It would be a waste of time to reason upon the question. Sir, it is incredible that such could be the intention of the parties to that compact; and strangely will it be distorted and perverted, if the term "migration,"

in this prohibitory clause, can be made the basis on which to raise this colossal power. Should such a construction prevail, lamentably short, indeed, I fear will be the duration of this boasted palladium of American liberty.

Other honorable gentlemen imagine they can find a warrant for imposing this restriction in the third section of the fourth article: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States." In answering this pretension, it is not necessary to deny to Congress all the power there expressed over the territory of the United States; and if Congress were now engaged in making rules and regulations respecting such territory, this clause would support the claim of power. But, sir, so far from legislating, to dispose of, or make regulations respecting, territory, the bill on your table provides for relinquishing the territorial government; raises the people of Missouri to the dignity of self-government; empowers them to form a constitution; to assume the character of an independent State, and, as such, to take equal rank with the other States of the Union. Such a bill is directly opposed to the last recited clause, and, therefore, that clause can give no color to the exercise of a power, designed to operate not on the territory, but on the State, at, and from the moment of, its birth..

It has been further insisted, Mr. President, that the provision, that "new States may be admitted by the Congress into this Union," vests Congress with a discretionary power to admit or refuse, and, therefore, that Congress may prescribe terms and conditions of admission. Sir, the premises may be true, the conclusion may be false. It is not denied that the word "may," in its ordinary sense, imports a discretion to act or not; but in this clause it can give no power beyond the exercise of the will to admit or refuse admission; and cannot, by fair, reasonable construction, confer a power to impose terms which impair the sovereignty of the State to be admitted. In the exercise of a power derived from a political compact, or created by law, in the use of which, others besides the actor have an interest, it is the rule of reason and sense, that, to be exercised fairly, it must be exercised not capriciously, but with sound discretion; always regarding the just rights of those who are interested.

The people of Missouri having an immediate interest in the exercise of this power, claim admission under the guaranty of a solemn treaty of cession, which provides that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States," and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States. Under this treaty, part of the ceded territory has been admitted as a State, without such restriction as is now attempted to be imposed on Missouri; and, so far, the treaty has been expounded and executed in good faith. This treaty, solemnly ratified, appeals to the honor and justice of the nation for faithful execution, as soon as pos-

sible. The United States stand in the character of a trustee for the people of the ceded territory, and, whenever they attain a capacity to accept a surrender of the trust, the surrender should be promptly made, and the estate delivered up, unimpaired and unfettered by conditions and restrictions not contemplated in the deed by which the trust was created. If, then, sir, Missouri has attained the competent degree of population and strength to entitle her to self-government, according to the principles of the Federal Constitution, as the bill on your table admits, Congress is bound to admit her into the Union without delay, as freely as other parts of the ceded territory have been admitted, without imposing a restriction that impairs her State sovereignty; since neither the Constitution nor the treaty grants power to impose that restriction.

This power then, so strenuously contended for, is not found among the specified or enumerated powers delegated to Congress; it is not a power which can be claimed as necessary and proper to carry into execution any specified power, and, in my opinion, cannot reasonably be raised by implication from the different parts of the Constitution on which its advocates rely.

But, Mr. President, instead of being surprised that such a power is not found in the charter, it would be cause of inexpressible surprise if it were found there; for I am convinced the people never designed to grant it. This charter was designed to govern and regulate the great political national concerns of the Union, not to interfere with the internal regulations, the private or domestic concerns of the States. Such is the opinion of the distinguished statesmen, to whom I before referred. Mr. Madison, in the same number of the *Federalist* before cited, after informing the people that the powers delegated to the Federal Government are few and defined—those that remain to the States numerous and indefinite, adds, "the former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last, the powers of taxation will for the most part be connected. The power reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and, in the succeeding number, speaking of the State governments, he adds, "By the superintending care of these, all the more domestic and personal interests of the people will be regulated and provided for." The same distinction is repeated by Mr. Hamilton, in No. 84. "But a minute detail of particular rights is certainly far less applicable to a Constitution like that under consideration, which is merely intended to regulate the general political interests of the nation, than to a Constitution which has the regulation of every species of personal and private concerns."

Sir, it must be admitted by every statesman, that this Constitution never was designed to have jurisdiction over the domestic concerns of the people in the several States. No, sir, these are wisely

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left exclusively to the State sovereignties, as their natural guardians. The proposed amendment, if adopted, will regulate, by an irrevocable provision in a statute, one of the domestic relations of the people of the State of Missouri. Can this be denied? Need I name to this Senate what are appropriately termed the domestic relations of civil life? They are those of husband and wife—to which happily succeeds that of parent and child, too often followed by that of guardian and ward; with all which is connected that of master and servant, either by voluntary or involuntary servitude. These, sir, with peculiar propriety and truth, are denominated “the domestic relations.” They exist in the bosom of the family, in the humble walks of private life, and have no connexion with the general political interests of the Union. If Congress can regulate one, why not all of these domestic relations? They all stand on the same level, and if one be within the grasp of your power, what shall exempt or protect the rest? Even the contract of marriage, and the period of release from guardianship may become the subject of discussion in some future Congress, on the admission of some future State. If such a power exists, who shall stay its hand or prescribe its limits? Sir, the proposed restriction is a direct invasion of the sovereignty of the State—it will wrest from Missouri that power which belongs to every State in the Union, to regulate its domestic concerns according to the will of the people. But further, Mr. President, it cannot escape observation, that, to accomplish the proposed object, Congress must invent a new mode of legislation—a legislation in perpetuity. In the common course of legislation, every law is subject to be altered, or repealed, according to the wisdom and discretion of any future Legislature. Here you transcend the power of any legislative body known to a Republic—you impose by statute a restriction to be and remain irrevocable forever. To such a dilemma the usurpation of power leads. What, then, Mr. President, is the true character of this bill, with such an amendment? Not simply a law, but a law to make, in part, a constitution for the future State of Missouri; nay, more, to make her constitution in that point unalterable forever, and place it beyond the power of the people. Is not this depriving the people of their acknowledged rights, and the State of part of its legitimate sovereignty? If Congress can thus, by anticipation, make part of a constitution for a State, and force it upon her as a condition precedent to her admission, why may not Congress make other parts of her constitution under the form of other conditions? The power is the same, the right is equal. If, sir, the people of Missouri be thus compelled to mould their State constitution according to the mandate of Congress, must not Missouri enter the Union shorn of some of those beams of sovereignty that encircle her sister States? Can she be said to stand upon an equal footing with them? Let truth and candor answer.

But, sir, to this objection it is replied that similar terms were prescribed to the States of Ohio, Indiana, and Illinois. True. Recollect, however,

that the condition of those States was, in every respect, different from the condition of Missouri. The ordinance of 1787, passed by Congress under the Articles of Confederation, was tendered to the settlers in the Northwestern Territory, (whether with or without authority, is immaterial now,) as a compact and agreement. The settlers there knew of this compact—made their arrangements accordingly—society there was formed and moulded on the principles of that ordinance, and was thus gradually prepared to adopt the same principles in the State constitutions; and, under these circumstances, the terms were proposed, without opposition, and met the approbation of the people. The maxim, “*volenti non fit injuria*,” applies, with peculiar force, to such a case. Different, in all respects, is the case of Missouri: part of a territory acquired by treaty from a foreign Power—never subject to the ordinance of 1787—involuntary servitude existed there at the time of cession, and still exists—the people object to this restriction—insist upon their rights under the treaty, and deny your power to impose such a condition. Under circumstances so entirely dissimilar, the Northwestern States furnish not even the frail authority of precedent to bind Missouri.

If Congress really possess a power to interdict the migration of slaves, and to confine them within the States where they are now settled, where is the necessity of attempting to effect that object, indirectly and partially, by the proposed restriction? If that power exist, as is contended, Congress can, at discretion, effect the object by a general law, equally binding all the States. And, sir, to me, such course would appear more dignified than to force on a new State so humiliating a condition. To my mind, however, it is clear, Mr. President, that Congress does not possess power to impose this restriction upon the people of Missouri, and that to exercise it will be flagrant usurpation. The legitimate business of Congress is to enact laws, not to make Constitutions. But, sir, if it be only a doubtful question, wisdom and sound policy, and a regard for the peace and harmony of the Union, forbid the attempt to exercise it. This Government, deriving all its powers by immediate grants from the people, relies for its support, nay, for its existence, on the good opinion and confidence of the people. These it will have, as long as it is believed that the powers delegated to Congress are honestly exercised for the general welfare. Influenced by this sentiment, the people will ever be found willing subjects of this Constitution, and the Government will be strong, powerful, nay, invincible. But, sir, if Congress shall pursue a course that gives just cause to suspect that they are grasping at power beyond the grant; that they are trenching on the powers reserved to the people, or invading the sovereignty of the States, it requires not prophetic vision to predict the result. The same spirit that resisted British tyranny will resist usurpation from any quarter, and to the people it will be indifferent whether oppression comes under an edict from a British Parliament or from an American Congress. And, sir, however strong this Government may feel, supported by the confidence

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of the States and the affections of the people, it is not wise to try its strength, under a doubtful power, against a number of respectable States.

I rose, Mr. President, to express my ideas upon the Constitutional question alone—the treaty of cession, intimately connected with the question, presents also serious difficulties in the way; but that part of the subject has been already exhausted by honorable gentlemen who preceded me. As to the expediency, I will only add, that no measure which violates the Constitution can be expedient; no measure that jeopardizes the internal peace of the Union, and stakes the Constitution upon an act of doubtful power, can be deemed a measure of wisdom or sound policy.

Such, Mr. President, being my sincere convictions in relation to the great Constitutional question which the amendment presents, my duty is plain though unpleasant. I must vote against that amendment.

MONDAY, January 31.

Mr. ELLIOT presented the petition of the Board of Managers of the Savannah poor house and hospital, erected for the reception of the poor and others, and of American seamen, praying Congress to take such an interest in it as would secure to the United States the use of such a proportion of the building as might be necessary for their seamen; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. BROWN presented the petition of James Simpson, American Consul at Morocco, praying that he may be allowed for his services at the rate of four thousand dollars per annum, with house rent in addition; and the petition was read, and referred to the Committee on Foreign Relations.

Mr. SMITH presented the petition of Mary Cassin, of South Carolina, praying payment of arrearages of certain soldiers' pay, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. BURRILL, from the Committee on Public Buildings, to whom was referred the bill, entitled "An act making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's House, and the erection of two new Executive Offices," reported the same without amendment.

Mr. SANFORD communicated the following resolutions of the Legislature of the State of New York, which were read:

"STATE OF NEW YORK, IN ASSEMBLY,
January 17, 1820.

"Whereas the inhibiting the further extension of slavery in these United States is a subject of deep concern among the people of this State: and whereas we consider slavery as an evil much to be deplored; and that every Constitutional barrier should be interposed to prevent its further extension; and that the Constitution of the United States clearly gives Congress the right to require of new States, not comprised within the original boundaries of these United States,

the prohibition of slavery, as a condition of its admission into the Union: therefore,

"Resolved, (if the honorable Senate concur herein,) That our Senators be instructed, and our Representatives in Congress be requested, to oppose the admission as a State into the Union of any Territory not comprised as aforesaid, without making the prohibition of slavery therein an indispensable condition of admission: therefore,

"Resolved, That measures be taken by the Clerks of the Senate and Assembly of this State, to transmit copies of the preceding resolutions to each of our Senators and Representatives in Congress.

"Ordered, That the Clerk deliver a copy of the preceding resolutions to the honorable the Senate, and request their concurrence in the same.

"By order of the Assembly.

"AARON CLARK, Clerk."

"STATE OF NEW YORK, IN SENATE,
January 20, 1820.

"Resolved, That the Senate do concur with the honorable the Assembly in their said resolutions.

"Ordered, That the Clerk deliver a copy of the preceding resolution of concurrence to the honorable the Assembly. By order.

"JOHN T. BACON, Clerk."

Mr. WALKER, of Georgia, submitted the following motion for consideration.

"Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge for the district of Georgia.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

"Resolved, That the President of the United States be requested to lay before the Senate such information as he may possess relative to the execution of so much of the first article of the late Treaty of Peace and Amity between His Britannic Majesty and the United States, as relates to the restitution of slaves, and which has not heretofore been communicated."

Mr. KING, of New York, presented the memorial of Aquila Giles, of the city of New York, praying the allowance of interest on his claim authorized to be settled at the last session, by an act passed for his relief; and the memorial was read, and referred to the Committee of Claims.

On motion by Mr. LEAKE, it was agreed to reconsider the vote on the report of the Committee of Claims, to whom was referred the petition of John Nicholls; and, on motion by Mr. EATON, it was recommitted to the Committee of Claims, further to consider and report thereon.

The bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians, was read the second time.

The Senate resumed the consideration of the report of the Committee of Claims, upon the petition of Bowie and Kurtz and others; and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Cornelia Schoonmaker, administratrix, and Peter Marius Groen, administrator, of Zachariah Schoonmaker, late paymaster of the 2d

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regiment of the United States' volunteer artillery; and, in concurrence therewith, resolved that the prayer of the petitioners ought not to be granted.

Mr. EDWARDS communicated the resolutions of the Legislature of the State of Illinois, in relation to the continuation of the National Road; and the resolutions were read, and referred to the Committee on Public Lands.

Mr. ROBERTS presented the memorial of John Bioren, bookseller, of Philadelphia, and Fielding Lucas, jun., bookseller, of Baltimore, proposing to furnish a volume to contain five sessions of the laws of the United States, in continuation, and in a style to correspond with the edition of five volumes published under the sanction and authority of Congress, by John Bioren, William Duane, and Roger C. Weightman, and praying the sanction and aid of Congress; and the memorial was read, and referred to the Committee on the Judiciary.

MISSOURI QUESTION.

The Senate then resumed the consideration of the Missouri question.

Mr. BARBOUR, of Virginia, rose and addressed the Senate more than three hours against the proposed restriction; but, before concluding his speech, intimated a desire to be allowed to defer the remainder of his remarks to to-morrow; and the subject was accordingly postponed.

TUESDAY, February 1.

Mr. NOBLE presented the memorial of the Legislature of the State of Indiana, praying that the fee simple of a certain township of land which had been reserved for the use of working a salt spring thereon, may be vested in said State, to be sold, and the proceeds thereof applied to roads and inland navigation; and the memorial was read, and referred to the Committee on Public Lands.

Mr. OTIS submitted the following motions for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of reviving for — years the law making foreign gold coins a tender.

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing by law for the payment of the Mississippi stock, by the issue of Treasury notes bearing interest at — per cent. per annum, and redeemable at the pleasure of Government to such of the proprietors thereof as may elect to receive payment in this mode.

Mr. MELLEN presented the petition of J. R. Chadbourne, and others, of the county of Washington, in the District of Maine, praying the aid of Government in making a certain road; and the petition was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the motion of the 31st ult. for instructing the Committee on the Judiciary to inquire into the expediency of increasing the salary of the district judge for the district of Georgia, and agreed thereto.

The Senate resumed the consideration of the motion of the 31st ult. for information touching the late treaty of peace and amity between His

Britannic Majesty and the United States, as relates to the restitution of slaves; and agreed thereto.

MISSOURI QUESTION.

The Senate then resumed the consideration of the Missouri question.

Mr. BARBOUR, of Virginia, concluded the speech which he commenced yesterday against the restriction. The speech follows entire:

Mr. President, the Senate will do justice to my sincerity when I declare that it is with unfeigned reluctance I rise to address them at this stage of the discussion—that, had I yielded to my feelings, instead of obeying a sense of duty, I should have remained silent. Whatever the human mind could well conceive has been either spoken or written on this subject, and no superiority of intellect could add an additional ray of light. So vain a hope, therefore, with my humble pretensions, would be the height of folly.

The question, however, involves such important consequences, whether we view it in its Constitutional light, or as it regards the honor of the nation, plighted by treaty, or consider it as to its expediency, as involving the duration of the Union, or in any event its tranquillity, it seems to justify, if not to require, any man to disclose the reasons of his vote. But, personal considerations apart, the feeling which this policy, as insulting as it is unjust, has so justly excited in the South and West, in which my constituents so naturally participate, seems to require that their Representative on this floor should raise his voice, however feeble, in solemn protest against its adoption.

In the contemplation of this subject, and the sentiments avowed in its discussion, I had expected to have felt nothing but unmixed regret; I had expected to have travelled an unpleasant path, filled only with thorns. To my relief, I have found here and there a solitary spot of verdure, on which my eye delighted to dwell. I have seen the most prodigious display of the powers of the human mind; I have seen its empire enlarged far beyond my most sanguine hopes. I do not intend to confine my remarks to one or two, but to extend them to most of those who have engaged in the debate. They have surrounded this body with deserved renown; to which, although I feel a consciousness I cannot add, yet I must be permitted, as a member of this body, to claim some participation. But I have seen more; I have seen a degree of firmness and magnanimity most ennobling to human nature—Senators rising superior to clamor and popular excitement, and filling the measure assigned them by the Constitution, at the expense of office, with the sacrifice of popularity, firmly discharging their duty. Such men, compared with the supple politician, who bends like a reed to the blast—who, to promote his own aggrandizement, practises upon the prejudices of mankind—will, by an impartial posterity, when the false fire of the moment shall have subsided, be placed in the zenith, while the latter will be consigned to the nadir of the moral world. Go on, illustrious Senators, in the career of glory you have commenced! Abide whatever sacrifice the faithful

discharge of your duty may produce with fortitude, and reap your reward in the consolation of reflecting that you have saved your country from ruin, and in the justice of all trying time! With these exceptions, all that I have heard has filled me with solicitude and pain. I have heard sentiments uttered that go to shake the foundations of the Union, and to produce a revolution in the Government—principles avowed directly hostile to the compact on which reposes our Union, and the doctrine avowed that all power not prohibited belongs to the General Government. To combat these—to deprive them of all authority, by showing their fallacy—will be the object of my endeavors. Before, however, I proceed to this, let me notice an attempt which has been made to give a character to this question which it does not deserve. It has been said that this is a question between slavery and freedom. A more indefensible perversion was never attempted to be practised on the human mind. Such a statement of the question is a libel on the South.

I appeal, without the fear of contradiction, to every member of the Senate, from every quarter of the Union, when I ask if the Southern members have not invariably supported, with unanimity, every proposition which had for its object the suppression of the slave trade; and whether, during the last session, we did not indulge them in the project, as wild as it was well designed, of expending thousands for the accommodation of the unfortunate victims of that abominable trade, by authorizing the Government to provide them an asylum in Africa, to be maintained at the public expense. Can, then, any man believe we wish to multiply the number? The question we are called to discuss is not whether slaves shall be multiplied. If it was, there would be but one sentiment here. What is the real question? Shall we violate the Constitution, by imposing restrictions on the people of Missouri? While exercising the great privilege of forming their government, shall we disregard the solemn obligations imposed by treaty? And shall we finally do an unmeasurable act of injustice, in excluding the people of one half the Republic from participating in that country bought by a common treasure and their exclusive councils? And for what? Not to diminish slavery, but to confine it within its present limits—destructive to the slaves themselves, and fatal, eventually, to the whole population—instead of diffusing them over a wide-spread country, where their comforts would be increased, and by their disproportionate numbers they might be within the reach of the suggestions of policy and of humanity. Not to diminish slavery, I repeat again; but to seduce the white population from this portion of country thus interdicted, and to increase the disproportion of the blacks to such an extent as forever to shut the door of hope upon them; or to drive us from the country, and surrender it exclusively to them.

This is the real state of the question, which I will now proceed to discuss; and, for the sake of perspicuity, I propose to do so under the following heads: 1st. You have no Constitutional right to impose the restriction involved in the amendment.

2d. That the treaty by which we acquired the country forbids it. And third. That it is inexpedient and unjust to do so.

1st. Your Constitutional right. It may not be unimportant, in discussing this branch of the subject, to ascend to the origin of the Government. To ascertain its humility, its progress in acquiring power, and its now alarming pretensions. A discussion of this character will not be entirely without its use in reference to the general course of our legislation. Some gentlemen may thereby acquire the information they seem to lack, that all power not prohibited is not granted necessarily to the Government, as has been contended for by at least one of the speakers who have gone before me. The present Constitution is nothing more than an expansion of the Confederation. Its object is the same; the means of attaining that object have only been enlarged. And what was that? To operate on our external concerns, and to regulate such subjects internally as could not, from their character and extent, be properly administered by any of the States; and there only to the extent specifically enumerated in the Constitution. It will be recollected, that this mass of power, awarded to the Confederation, was surrounded by sovereign States, whose jealousy of the General Government was such, that, as experience evinced in practical results, they were entirely incompetent to the object. It is worthy of remark, how cautiously they guarded against the abuse of this very limited authority, by the 2d article of that instrument, which is to the effect following:

“Art. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.”

I invite the attention of the Senate particularly to the phraseology of this article, as disclosing the real design of the contracting parties as to the extent of the power of the individual States, and of the General Government. And, sustaining the position I have before taken as to the objects whose administration was intended to be confided to the General Government, I have been thus full on this branch of the subject, because, although a similar clause was not introduced in the Constitution of the United States, yet it was distinctly understood the same principle attached to the Constitution, as well from the contemporary expositions by the most approved writers; but, above all, by the 10th amendment of the Constitution to the effect following: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.” And it may be stated, that, if there was any one point on which the people of America universally agreed, it was that necessity of restraining the General Government within the prescribed limits, to guard against encroachments on the authority of the States, and thereby prevent a consolidation which has been universally considered as a synonym with monarchy.

These are truths generally admitted, and always

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have been, in the abstract ; but, in their application, we are mortified to perceive an endless variety of opinions, some contending for a latitude so wide in their interpretation of the powers of the Government as to defy limitation ; while others insist, and justly insist, that they view the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact. This is the language of the celebrated resolutions of the Virginia Assembly. Not merely because they were adopted by that body, but because it was a part of the Republican creed, to which a vast majority of the American people gave their hearty approbation, and by which the line was completely drawn between the different political parties of the day. It is a sound principle, which I wish to see revived, (for it seems to have been forgotten,) and resorted to in all doubtful cases, as an infallible standard. And here, I protest against a species of special pleading, which, rejecting the principle just alluded to, hunts for powers in words or sentences, taken here and there from the instrument and patched together, forming something like a pretext for the exercise of power palpably interdicted by the plain sense and intention of the instrument. These preliminaries being disposed of, we are brought to the conclusion that those who contend for the power in question must show it. This has been attempted, and no two agree as to the portion of the Constitution from which they derive the power. This circumstance of itself is entitled to great consideration. If the subject had been of a character whose administration could not be effected by the States, in their individual character, one might be disposed to give a latitude of construction to the clause of the Constitution, if any existed, that related to this subject ; but when it is known that the subject of slavery had been exclusively under the control of the States, to the entire exclusion of the General Government, except in a case of a peculiar character, (the slave trade,) before we assume upon ourselves the exercise of such an authority, we should be satisfied that the power has been plainly given. In lieu of which, one gentleman pretends to find it in a clause whose only object was a restraint upon Congress ; while another acknowledges that he considers this clause as giving no such authority, and refers us to another ; while other gentlemen select new clauses imparting this authority.

Let us examine them respectively. 1st, let us consider the 1st clause of the 9th section, 1st article. Gentlemen contend that the word "migration," is the magical word in which is contained the power about to be exercised. The plain answer to this is, that it produces a confusion of ideas, to assert that a clause, whose palpable design was to restrain Congress from exercising an authority, imparts a substantive grant of power ; but, it is reasoned, why restrain Congress, till the year 1808, from exercising an authority which they did not possess ? Do gentlemen mean to say that all power interdicted by the 9th section would belong to Congress, had not such restriction been inserted ? The gentleman from New Hampshire contends for this

monstrous doctrine, and asks, had it not been for the clause interdicting titles of nobility, would not Congress have had the power to have created a nobility ? The gentleman seems not to understand the first principles of the Government—for, if his doctrine be acted upon, it is equal to a revolution, and a Government of limited powers would instantly be converted into one of absolute authority. I should have paid less attention to this doctrine by supposing that the gentleman had not reflected upon it, had he not uttered the same thing during the last session. It seems, therefore, that this is one of his fixed principles. A more heretical or a more dangerous one, cannot well be conceived. But, sir, were I for a moment to yield a point so palpable as this, still, I might contend that the gentlemen would be without the power contended for. What is the argument on their part, that "migration" and "importation" equally relate to slaves ? That "importation" relates to foreign slaves, while "migration" refers to domestic slaves passing from one State to another, and that Congress, therefore, has a right to prevent their passage to the Missouri. Now, I contend that "migration" was intended to refer to free foreigners, coming to this country, while "importation" was intended to apply to slaves from abroad. This conclusion is warranted, as well by the phraseology of the section, as by the circumstances of the country. What is its language ? That the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808 : but a tax or duty may be imposed on such importation not exceeding ten dollars for each person. If this interpretation be received, the meaning of the clause is intelligible and natural. By dropping "migration" when speaking of a tax or duty, it may be fairly inferred that the migration spoken of was that of freemen, to tax whom would be absurd. But the circumstances of the country at that time are entitled to great weight in forming our opinion. A large portion of the Middle, Southern, and Western States, were sparsely inhabited. It was among the grievances enumerated, as leading to the Revolution, that the Crown of Great Britain had indicated a hostility to the migration of foreigners. Hence, lest the most populous portions of the United States should indulge in a similar abuse of power, Congress was expressly interdicted from taking any step in relation thereto, prior to the year 1808.

That this was the true import of this clause is not only sustained by the considerations to which I have just referred, but is supported by an exposition given us at a period near the adoption of the Constitution. Those who opposed the alien law in Congress insisted upon this interpretation, and none with more force than my predecessor, Judge Tazewell, one of the most distinguished men of whom Virginia can boast. In his speech, which I have now before me, on the alien law, he holds the language I now do, and contended that Congress was virtually violating this clause. The Senate will recollect this discussion was in 1798 ; and it is worthy of remark, that the application of

this word to slaves was first made by the friends of the alien law, to elude the force of this argument. The committee of the House of Representatives, in an elaborate report, drawn with a view to defend this law, assert that "migration" related to slaves; but even the authors of that report contend only that it relates to the importation of slaves from abroad. But, we are told, Congress has fixed the meaning of this clause by the law of 1804, interdicting the bringing of slaves into Louisiana from any place in the United States, except by removal with their owners. But nothing is to be gained by this precedent. 1st. Louisiana was a Territory, and not a State. 2d. It was the result of an excitement produced by peculiar causes, which have been amply detailed by the gentleman from South Carolina, and passed probably without discussion. 3d. It was repealed at the next session, by the law relative to the Territory of Mississippi, in which Louisiana was placed on the same footing with that territory. So that, if it weigh any thing, it is against the interpretation contended for, as Congress retraced its steps within one year after the passage of the law of 1804. But the admission for argument sake was a mere gratuity, that a negative clause might be interpreted into a grant of power. I contend, this clause gives no power. How should it be understood, according to the plain intent of the Constitution? To Congress had been given the power to regulate foreign commerce, and to establish a uniform rule of naturalization. But, lest this power should be exercised against the wishes of a particular portion of the Union, for the reasons stated above, this clause was introduced. I do not mean to be understood as saying any thing about the right of Congress to interfere in the case of the migration of foreigners; whether they have or not is not now involved; and its restriction till 1808 by no means implies necessarily such a power. For it is palpable that this section was drawn, out of abundant caution, and as is evinced by the 4th clause of that section, Congress is interdicted from exercising an authority in any other way than had been previously prescribed. Its language is—no capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken. Hence it follows that, as I said before, a restraint on Congress does not imply the existence of the power restrained; for I presume the gentleman from New Hampshire would hardly contend that as Congress, even without this clause, would have had the power to vary the standard of the apportionment of direct taxation. But, it is said that as Congress has the power to prevent the importation of slaves under the clause of regulating foreign commerce, they have the power to prevent the passage of slaves from one State to another under the clause of regulating the commerce between the States. Now, sir, what is commerce, according to the common understanding of mankind, or in its strictest sense, as furnished by the most approved lexicographers? It is traffic. And can any one soberly contend that a removal of the head of a family, like the patriarch of times gone by, carrying with him his household, is engaged in that kind of commerce

whose regulation has been given to Congress. His slaves are a part of his family; they have descended from generation to generation; are the depository of the history of his family; have rocked the cradle of his infancy, or have been companions of his youth; for them he has an affectionate regard; to preserve whom, if adversity come upon him he will sell his home, and seek a more propitious fortune in the wilderness. Will any man call such a removal carrying on commerce? But, again, what was the end in view in giving this power to Congress? To ascertain this, let us recur to the state of this country prior to the adoption of the Constitution. The States, having absolute authority over this subject, had adopted various and vexatious regulations upon the commerce between each other; they were as foreigners, each availing itself of its peculiar situation, at the expense of the other States. Those lying on the Atlantic made the interior tributary to them; and, as in all unwisely-organized confederacies, this policy was generating heart-burnings, so unfavorable to union. To prevent this, to the parent government was given the power of regulating this commerce—the whole amount and object of which was, to guaranty an unrestrained intercourse between the States; not to shackle or embarrass it; still less to apply it to the ordinary intercourse between conterminous States, in the endless transactions occurring between their citizens. To relieve myself from a further comment on this part of the discussion, permit me to refer the Senate to the 11th No. of the *Federalist*. I will subjoin one other remark; if Congress were justifiable in attempting to legislate on the subject—I mean the commerce between the States—it can be done only by a general law; for the 5th clause of the 9th section of the 1st article expressly inhibits Congress from a partial legislation; and, by a recurrence to this clause, which should be united with that giving the power to Congress to regulate the commerce between the States, it will be seen to what object this power was intended to relate; by it, the plain intent of the parties is so manifestly proclaimed, that I cannot see how it can be misunderstood by one honestly inquiring after its just meaning.

But it is contended by some, that this power is to be found in the third section of the second clause of the fourth article. The answer to this is, that this clause relates to Territories, and not to States. As there is a bill depending before us directly involving your power to legislate on the Territories, it is unnecessary to discuss this question now. It is sufficient to say that it is doubted whether you have the power, even in reference to Territories; but it is palpable you can have none, under this clause, as it regards States.

We now come to consider the last clause in the Constitution in which it is contended that this power has been granted, viz: the first clause of the third section of the fourth article. This is the only clause which, in my estimation, has any thing to do with the subject. New States may be admitted, &c. This is a mere extension of the eleventh article of the Confederation, which was limited to the admission of Canada, and other colo-

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nies; meaning, no doubt, other British colonies. To Canada the most perfect equality was guaranteed, by this clause, with the original members of the Confederacy. The words "new States" must have been intended to convey a specific idea. The words are used by persons who distinctly understood their import; for they were the direct representatives of States whose attributes of sovereignty had been secured, in the second article of the Confederation, by an express declaration, that all power was retained which had not been expressly given to the General Government. And, in addition, the practice of twelve years has left no doubt as to the power which had been retained and exercised by the States. When, then, they gave to Congress the power of admitting new States into this Union, it must be understood that, with the exception of the power then transferred to the General Government, or expressly withheld by the Constitution, all other power belonged to the States, and the moment that a new State is admitted into the Union it is placed upon the most perfect equality with the other States, as well to its rights as its obligations. But it is, that "new States may be admitted into this Union." My friend from Maryland has, in a masterly argument, shown that it is this Union into which they are to be admitted, and no other; which would not ensue if to one State rights were given which were withheld from another; for the terms of the Union, in that case, being different, the Union could not be the same; and, therefore, they would not be admitted into this Union. It would be worse than useless for me to add any thing to what he has said. What, then, is your power? Simply whether you will admit or refuse. This is the limit of your power—and even this power is subject to control. Whenever a territory is sufficiently large, and its population sufficiently numerous, your discretion ceases, and the obligation becomes imperious, that you forthwith admit. For I hold that, according to the spirit of the Constitution, the people thus circumstanced are entitled to the privilege of self-government.

Have we not a right to contend, that, if the Convention had intended to give to Congress the power of admitting on conditions, it would have said so? The Constitution has not authorized the exercise of such a power directly, and there is nothing to justify the exercise of such a power by implication, if implication were allowable.

If, then, it be true, that your discretion, even as to admission, is limited, as I have endeavored to show, and in the present case all the constituent qualifications exist on the part of the people of Missouri for self-government, you are bound to say that she shall be admitted as a State into this Union. If she be admitted as a State, all the attributes of the old States instantly devolve on her, and the most prominent of those attributes is the right to fashion her government according to the will and pleasure of the good people of that State; whereas your restriction deprives her of that privilege forever; and your restriction applies to a species of property that most peculiarly belongs to the jurisdiction of the State government. For,

can it be believed that the States holding slaves could ever have intended to impart to non-slaveholding States an authority over a property in which they had no common interest; a property, in relation to which, so far from the necessity of surrendering the power to control it to the General Government, self-preservation required that it should be left exclusively to the State governments.

To all this it is replied, that the uniform course of the Government, since the ordinance of 1787, amounts to a precedent not now to be canvassed.

In cases of doubt, it is readily admitted that decisions, after mature deliberation, upon full discussion of distinguished men, are entitled to great weight in analogous cases. Now, sir, how far will the proceedings of Congress, under the ordinance, operate as a precedent? The ordinance itself was founded in usurpation. No such power had been granted Congress by the Confederation. Lest I should be charged with an assumption myself, I will call to my aid the work so frequently referred to—the *Federalist*. In page 235, this is expressly admitted. It is there stated that it was an assumption on the part of Congress. I have seen it stated, indeed, in a pamphlet or speech, (for I know not what to call it,) that Congress had the power, as incident to their character. Mark the facility with which every usurpation of power is justified! What is not expressly given, may be implied; or, if there be nothing to justify implication, it may be incidental; and, if it be neither the one nor the other, the next step is, that it ought to have been given; and thus, by some means, every power which it is desirable to exercise, will be, or may be, claimed. But, rejecting these claims as entirely untenable, I assert, the ordinance itself was an assumption of power. It is admitted that it has been acquiesced in, and all its provisions have been carried into effect. It is not now to be disturbed. But it still is nothing as a precedent; because it attached to a wilderness, and not to men. Those who subsequently settled this country adopted it from choice. Their sentiments and habits were fashioned by the principles of the ordinance, and, when admitted into the Union, instead of the right of Congress to impose a restriction on them being denied, and discussed, and seriously decided, I am warranted in saying that the question was never stirred. Why inquire into a condition that was perfectly useless, the people themselves not wishing to hold slaves? But this I assert, that the people of the States, embraced by this ordinance, when in convention, considered themselves unrestrained, and considered the question with an exclusive eye to its expediency.

The course, therefore, pursued by the Government, under this ordinance, is not entitled to the least weight as a precedent; but, if it were, I beg leave to present various precedents of a directly different character. The States of Kentucky, Tennessee, Louisiana, Mississippi, and Alabama, have all been admitted without restriction. To what, then, does the history of our proceedings amount? That, in every instance, other than those connected with the ordinance, Congress has

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admitted without restriction. Congress has never before dared to apply it to a portion of country where slaves were; in effect, where it was to amount to a restriction. It is, however, urged that conditions were imposed on Louisiana. The principal part of these were merely in conformity to the great principles of freedom; were incorporated in the law in reference to the peculiar people whom we were about to introduce into the Union—people who had before lived under a different form of government, and who were supposed not sufficiently versed in the principles of our Government; and were justifiable only, if at all, under the power of Congress to guaranty to each member of the Confederacy a Republican form of Government. I doubt, however, the power of Congress to impose them at all; but sure I am that they had no power to restrict them as to the language which they should employ in promulgating their laws. The best criterion to test the right of Congress to impose this restriction is, to inquire by what means will they enforce obedience, were Louisiana to refuse a compliance. For, to every legitimate power, you have the corresponding one of enforcement. Where the latter is wanting, the former does not exist. This, I think, may be assumed as an axiom in our Government. The exercise, therefore, of this power was without right, and serves no other purpose than to show the facility with which all governments advance in the acquisition of power. They well may be likened to a screw: they never retrograde; every acquisition becomes a temptation to new aggressions, and, not unfrequently, the means by which they are realized. There is one idea so repeatedly urged, that those who entertain it must have credit for their sincerity, and that is, that we have greater power with the States to be formed out of acquired territory than in that originally a part of the United States.

By what course of argument this conclusion is arrived at, I am at a loss to discover. There is but one distinction acknowledged in the Constitution, between the then existing States and those thereafter to be admitted, and that is confined to the importation of slaves. This shows that, in all other respects, they were to be on an equal footing with the old States; for, had not such been the design of the Convention, as they discriminated in the one case, they would have done so in every particular where it was intended. In addition, it may be remarked, that in the third clause of the second section of the first article, the same principle of representation, as it regards slaves, was to be extended to such States as may be admitted; pointing directly to the clause, of course, that new States might be admitted into the Union.

The gentleman from Massachusetts (Mr. Mellen) says, that we impose no condition; but that the people of Missouri, if they accept it, impose it on themselves. And he illustrates his idea by a comparison of this case with that of the Bank of the United States. I regret to find that gentleman placing the great privilege of the people to govern themselves upon so humble a footing as an equality with a bank corporation. Where is the resemblance?

Congress has the right to refuse to incorporate a bank; if, however, it dispenses this privilege, it may impose what terms it pleases. If they be acceptable or otherwise none can complain. But Congress is bound by the Constitution, in this case, to admit Missouri into the Union; if it refuse, it will do an immeasurable injury to the people of Missouri, because it deprives them of the great privilege of self-government. If you impose conditions as a *sine qua non* to her admission, however severe these conditions may be, she may possibly, to obtain possession of the inestimable blessings of self-government, accede to them; but her consent is obtained by a species of force. Justice claims of power its rights—power grants a part only, and requires, before that part be given, a relinquishment of the remainder. Is this no condition, although justice, despairing of the whole, should acquiesce in the terms presented by power? It is unnecessary to add anything to a proposition so palpable. The gentleman from Pennsylvania says this is no restriction, but a blessing. Let the people of Missouri decide for themselves. We do not ask that Missouri shall admit slavery. All that we require is, that she may decide for herself. If it be, as gentlemen assert, a blessing, what have you to fear from the good sense of the people of Missouri? You have pronounced them capable of self-government in all the important concerns of life, except in this particular; why not trust to her discretion in this? Send out your go-carts of pamphlets, the substances of speeches made in the Senate; pronounce before them your long jeremiads against slavery—long as a Scotch coronation prayer—and can you doubt the success of your endeavors to prevent the introduction of slavery among them? Why leap the boundaries of the Constitution to force upon them that which you say is a blessing?

But, the gentleman from Pennsylvania, asks, shall we suffer Missouri to come into the Union with this savage mark on her countenance? I appeal to that gentleman to know whether this be language to address to an American Senate, composed equally of members from States precisely in the condition that Missouri would be in, were she to tolerate slavery. Are these sentiments calculated to cherish that harmony and affection so essential to any beneficial results from our Union? But, sir, I will not imitate this course, and I will strive to repress the feeling which such remarks are calculated to awaken.

Permit me here to notice an observation made by the gentleman from Massachusetts, (Mr. Otis,) who, in this instance, departed from his usual urbanity. Were he to visit Europe, he fears that, on his landing, his country being known, he might be upbraided by some Spaniard, for example, who might tell him he was from the land of hypocrites—with freedom on their lips, and the bloody scourge brandishing in their hands. Would the gentleman be without an answer? Might he not say, how dare you thus defame, you slave? Do you not bow the knee before the bloody sceptre of cruelty and superstition? Is not the emblem of your power the wheel of the Inquisition? Are you not the first peo-

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ple to have commenced the barbarous traffic in slaves? Are you not the last to surrender it? Have you not received a price to abandon it, and do you not at this time add cruelty to perfidy, by pursuing it to the utmost extent of which you are capable? Should the gentleman extend his tour to England, and there meet with the same accusation—feeling as he ought, and speaking as he felt—would he not indignantly denounce the insolence of the slanderer, by telling him to take the beam from his own eye before he attempted to remove the mote from his neighbor's. Might he not ask, to whom are we indebted for slavery at all—is it not to England? Have you not been engaged for centuries in this horrible traffic, and against the remonstrance of the people whom you now abuse? Did not Virginia, of all the civilized world, first lift up her voice against this trade? But she lifted it in vain. Gain was your object; you weighed that against the peace and happiness of both hemispheres, and accepted it as an equivalent. Nor was it yielding to a momentary impulse of cupidity or ignorance of its moral consequences. But you pursued it for centuries; and, although you were warned by the glowing eloquence of your Wilberforce and your Clarkson, who thundered in your ears the sighs and lamentations of the suffering victims of your wickedness, and spoke, like angels trumpet-tongued, the deep damnation of your crimes, you turned a deaf ear, deaf as an adder, and found your indemnity for all this in dollars and cents. 'Tis but yesterday you ceased; and to-day you assume the moral chair, and pronounce homilies against the unavoidable effects of your crimes. For, what have the American people not done? Have they not, whenever any regard for their own peace would permit, emancipated the slave? And where that was impracticable, have not the masters, by their kindness and affection, deprived slavery itself of its horrors? Cease, then, your defamation. Turn your eye to every region of the earth where you bear sway, and, when you shall have relieved the wretched and oppressed, then, and not till then, presume to preach reformation to others. With such materials as these, delineated by his masterly hand, the blush he dreaded on his own account might be transferred to the accuser.

But both the gentlemen from Pennsylvania and New Hampshire have called to their aid the Declaration of Independence, and the sacred principles it consecrates. What has that to do with this question? Who were the parties—the slaves? No. Did slavery not exist in every State of the Union at the moment of its promulgation? Did it enter into any human mind that it had the least reference to this species of population? Is there not at the present moment slaves in the very States from which we hear these novel doctrines?

How has it happened that these doctrines have slept till this moment? Where were they at the adoption of the Constitution, in which slavery is recognised, and the property guarantied by an express clause? And shall we, the mere creatures of that instrument, presume to question its authority? To every other sanction imposed by our situation, is the solemn oath that we will support

it. Where are the consciences of gentlemen who hold this language? But they assure us that they do not mean to touch this property in the old States. What, this eternal, and, as they say, immutable principle, consecrated by this famous instrument, and in support of which we have appealed to God, is to have no obligatory force on the very parties who made it, but attaches instantly you cross the Mississippi! What kind of ethics is this that is bounded by latitude and longitude, which is inoperative on the left, but is omnipotent on the right bank of a river? Such doctrines are well calculated to excite our solicitude; for, although the gentlemen, who now hold it, are sincere in their declarations, and mean to content themselves with a triumph in this controversy, what security have we that others will not apply it to the South generally? This, sir, is no longer matter of speculation; you have heard the doctrine contended for already not at cross roads, or in the city taverns, but in the legislative hall of a State. When it shall be resorted to by faction, who can pretend to prescribe its limits? Every page of history is full of melancholy proofs of the feebleness of that security, which reposes upon the moderation of the ambitious and designing. The means are always made to yield to the end. I, therefore, heard the doctrine with unmixed regret. I fear it is the beginning of new counsels, whose disastrous effects no one can foresee.

Sir, there is one view of this subject which I wish to present to the Senate; if you have the pretended power, why not exercise it in the ordinary and only legitimate mode, by making it the subject of legislative enactment? Why seek, by compact with Missouri, to bolster your authority? If you have the power, is her consent necessary? If you have it not, can that consent give it you? What should we think of any man, when the bankrupt law was under consideration, if he were to propose, before he acted, to obtain the consent of one or more of the States? And yet it would be as rational as in the present case, supposing you have the authority, to require the consent of Missouri to give it effect.

But the principal feature in a legislative act is, that it is in the power of our successors to change it; here, on the contrary, you seek to make the regulation immortal. The Constitution itself contains a principle of alteration, so as to adapt itself to the progress of human affairs, and yet you place a legislative act beyond all human power of change or modification. I will forbear any further remarks on this branch of the subject, and proceed in the order I proposed. I will now inquire whether, by treaty, we are not restrained from restricting Missouri? By the third clause of the treaty, by which we acquired this country, the inhabitants are to be incorporated, &c.

I consider it not of moment to inquire, whether their admission, according to the principles of the Federal Constitution, relates to the time or the terms of such admission, because they are, when admitted, to enjoy all the rights, privileges, and immunities, of American citizens. An attempt has been made to discriminate between Federal

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and State rights in a celebrated tract denominated "The Substance of Two Speeches," &c. For my part I have been utterly unable to comprehend the meaning of the author. Does he mean to assert that there may be one or more citizens entitled to Federal privileges and not to State privileges? On the converse, to me it has always appeared as not admitting of a question, that these were indissolubly united in an American citizen. A citizen of the United States must be a citizen of some one of the States, and, as such, entitled to every right or privilege secured by the Federal or State government. If there be any right pertaining to citizens of the United States, it is that of fashioning their Government according to their own will and pleasure. This right was, therefore, secured by compact to the inhabitants of the territory in question, and any attempt to impair or abridge it, is in violation of that treaty. In the same tract it is said, slaves are not property; the gentleman from Massachusetts (Mr. OTIS) frankly admits that this is an unwarrantable assertion, and such must be the award of all mankind. Did not both the contracting parties recognise slaves as property? Were they not known to abound in the territory ceded, and constituting the largest proportion of the property of the people? Is it consistent with reason to suppose that, when such care was taken to secure the people of the territory in the undisturbed enjoyment of their property, the principal part was intended to be excluded? It is mortifying to have to contend with such a shadow. The whole territory ceded was to be admitted into the Union. The letter of the treaty required that it should have been admitted as a whole. You thought proper to divide it; but you suffered the Louisiana part to come in without restriction in this regard. Upon what principle can you reconcile with good faith the distinction you now set up between Missouri and Louisiana?

The gentleman from Massachusetts (Mr. OTIS) advances the proposition, that, were this a conquered country, Congress might impose what terms they please: one, instead of two Senators; and, in short, whatever modification it pleased. As this is a question which for the present may be said, in law language, to be *coram non iudice*, and as we have our hands full without it, I shall not discuss it. I shall dismiss it by denying its truth, and declaring that it is essential, in all cases, no matter by what method the territory may be acquired, whenever it becomes incorporated into the Union, it must be, in the language of all our precedents, on an equal footing with the original States in all respects whatsoever. It is asked, who are the parties to the treaty, and who is there to punish its infraction? Why propound this question? The honor of the American people is the guaranty of its faithful execution. Our own brethren have become interested in its execution, for they have mingled with the original inhabitants; they are entitled to the most liberal interpretation of the treaty, as well on the score of national law as the principles of justice and a liberal and enlightened policy. The gentleman from Massachusetts, in illustrating his views of the powers of

Congress on this subject, has inquired, whether Congress could not exclude a religious sect from inhabiting the intended State, the principles of whose faith were unfriendly to population; an example of which he furnished in the Shaking Quakers? Whatever else may be said of this view, it will at least be entitled to the credit of candor. It, without disguise, displays the undefinable and unconstitutional power now asserted; it assumes that Congress has a right to regulate their whole internal polity; for, if their religion and their connexion by matrimony are just subjects of Congressional authority, what subject of social regulation would lie beyond the reach of their control?

Lest I weary you, sir, I will now proceed to the last branch of this interesting subject, which I proposed to discuss: Is it expedient or just?

The first objection that presents itself is its immeasurable injustice. By whom was the country acquired? By the common treasure of every part of the Union, and by the exclusive counsels of that portion which you seek to interdict by your measure. Yes, sir, I say the exclusive counsels. The opposition which was made to the treaty by which we acquired it, is too recent and too notorious to require proof. Nay, sir, so inveterate is the opposition, that we have a portion of its leaven mingled with the present discussion. The gentleman from Rhode Island has told us that we acquired it by treaty with a man who has become a private gentleman, and who had no title himself. A country thus acquired, of boundless extent, is to be shut against us. Were our opponents not under the influence of an insatiable ambition, they would content themselves with the enjoyment of a large and disproportionate share of this country, to which they would exclusively succeed, independently of any legal regulation on this subject. This is too obvious to be denied, when we take as our guide the history of our own country, which furnishes indubitable proof that slaves, to any considerable number, are never seen beyond a given parallel of latitude. When you cast your eye on the map of the country in question, it is palpable that much the largest portion would never be occupied by a slave. Why, are they not content with this great natural advantage? Can you bring your minds to believe that we shall sit quietly under this act of iniquity, as insulting as it is injurious? Sir, no portion of the United States has been more loyal than the South. Amid all the vicissitudes of party and the violence of faction—in peace and in war—in good and in evil report—we have respected the laws, and rallied around the Constitution and the Union. To the Union we have looked, as the ark of our salvation and the resting-place of our hopes. Is this your reward for our loyalty? Sir, there is a point where submission becomes a crime, and resistance a virtue. In despotic countries even the despot is obliged to keep some terms with his subjects: in free States you more readily arrive at the point to which I allude. Beware how you touch it, in regard to the South! Our people are as brave as they are loyal. They can endure any thing but

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insult. The moment you pass the Rubicon, they will redeem their much-abused character; they will throw back upon you your insolence and your aggression. But let us suppose they will quietly submit to the wrongs you inflict, what must be their feelings friendly to union—to that harmony so essential to our common prosperity? What is the foundation of our connexion? The Federal compact. He must, indeed, be profoundly ignorant of human nature, if he suppose the Union reposes on such a foundation. No, sir, it is a common interest, and those kind and affectionate sentiments which the preservation by a parental government of that interest generates, form its prop and security. Withdraw these, you may preserve the form, but the vital part is gone. To what end do you encounter this great risk? To exclude slavery from Missouri? That cannot be your object. You have slaves there already. These, you say, you do not mean to touch. The principle, then, is given up; the stock they have already there will multiply and fill the land.

But we are gravely told, and upon it all the changes have been rung to excite the prejudices of the non-slaveholding States, that the political influence resulting from the slaves which will be carried to this country, is the principal ground of objection to Missouri's coming in without restriction. You reduce, say they, the white man to an equality with the slave. What sophistry is this! Will not the slave have the same influence in Georgia or Virginia as in Missouri? His removal to the latter State is in no way to increase it. But they will, we are told, multiply faster in Missouri than in the old States. Mark the dilemma in which gentlemen are placed; at one time they weep over the condition of the slave; their tender souls are overflowing with kindness and compassion to their sufferings. To ameliorate their condition is their professed object. What course do they pursue to accomplish it? To pen them up, as my honorable friend from North Carolina has justly remarked, and cut them off from those benefits which await them in a new and fertile country, the enjoyment of which produces that increase they so much affect to dread. Let us hear no more of humanity—it is profaning the term. Their object is power. They assume the mask of humanity for the purpose of seducing tender consciences, and they, as far as their policy can effect it, devote the very beings whose welfare they pretend to urge as a reason for the measure of which we so justly complain. Yes, humanity is their motto. The interest, the peace, the happiness of the whites, form with them the dust of the balance; their affections are alive only to the condition of the slave. They speak of their measures with great deliberation, and invite us to be calm. They are afar off while this new drama is performing. Turn out comedy or tragedy, they are equally unaffected. On the contrary, we are to be involved in the catastrophe. It is not left to us to stand aloof as mere spectators. We shall have to act a part. We may lose, but cannot gain. We furnish the stakes; and they are nothing less than the vital interests of our country. The gentleman

from Massachusetts (Mr. OTIS) has been edifying in his suggestions as to what we are to fear from St. Domingo, unless we adopt his counsels. The mention of St. Domingo calls up a train of unpleasant recollections. Its history is replete with instructive lessons upon this subject. Let us alone, and we have nothing to fear. It is your pretended solicitude for our welfare that constitutes our danger. It is the doctor, and not the disease, we dread. Yes, sir, the pseudo friends of humanity, in France, far beyond the reach of the effects of their own policy, in the spirit of fanaticism issued the celebrated decree that involved the fate of that devoted island. Its caption was "liberty and equality." It no sooner reached its object than the bands of society were dissolved. Monsters stalked over the face of this wretched country, and their footsteps were every where traced by conflagration, and rapine, and murder, and lust, and all the unutterable horrors which the most ferocious passions, coupled with unbridled power, could inflict. The few wretched survivors, who fled before the fury of the storm, carried to every part of Christendom their tale of suffering and of woe, which, by its irresistible pathos, drew tears of pity from every eye. But, where or when has it been known that fanaticism has paused to reflect on consequences? Experience, the lessons of prudence and of caution, are presented to it in vain. But, sir, let us analyze this argument of the gentleman from Massachusetts, if, indeed, argument it may be called. If, says he, you extend slavery to Missouri, the emissaries of St. Domingo will penetrate this interior region, and preach the doctrines of insurrection. Indeed! If, then, according to the logic of this gentleman, the slaves be retained in the Atlantic States, to which the access is the most easy, and swell to a disproportionate number, we have nothing to apprehend; but, if removed to the interior, and so diffused as to be entirely outnumbered by the white population, then, and not till then, are we in danger. Can any thing be necessary to refute a proposition, when to state it is to destroy it?

But gentlemen defend the course they pursue, on the ground of charity and benevolence to this unfortunate species of population. Charity, sir, in its just sense, is one of the first of virtues; it bears upon its face the impress of its celestial birth; it prompts the man, at the expense of his own comforts, to give food to the hungry and clothing to the naked. If his scanty means deny him this privilege, he acts the good Samaritan—pours balm in the wound, and binds up the broken heart. His reward is ample here and hereafter. Here, in the uplifted and thankful eye of wretchedness relieved; there, it is a ministering angel at the throne of eternal justice. But that charity which seeks to gratify itself at the expense of another; which subjects the actor to no sacrifice, to no danger, is mere hypocrisy—it is the reluctant homage which vice pays to virtue. In which predicament my opponents stand! It is my property they seek to take; it is my peace, my safety, my happiness, that are put to hazard. I exempt the gentleman from Massachusetts (Mr. OTIS) from any part of these

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allusions : he has frankly told us that he is actuated by no benevolent consideration ; he justifies his course on the score of policy.

We are continually reproached with having on our side every advantage from the Union ; that we have contrived to gain an unjust portion of power through our slaves, and have given in return no equivalent. Let us analyze this charge, and test its justness. According to the principles of those who hold all men equal, it is we who have made the sacrifice, rather than gained an advantage, in the ratio of representation, as it regards our slaves. In submitting to the deduction of two-fifths of this species of population, we have surrendered precisely that proportion of our just claims. Independent sovereignties, entering into Federal association, agree that their voice in Union shall depend on their relative numbers. What right has one of the parties to inquire into the condition of any portion of the inhabitants of another ? That is an affair exclusively belonging to the contracting sovereign. In the spirit of compromise, however, the sacrifice was submitted to. Gentlemen say they do not mean to disturb it. Why harp continually upon it ? Is it to instil incurable hostilities into the body politic ; to array one portion of the United States against another ? The parties heretofore existing in the United States, formidable as they were, especially at one time, lost all capacity for mischief by being broken up in fragments. Each State, each neighborhood, was more or less divided ; and thereby the force and effect of their violence was rendered comparatively harmless. Such will not be the case when you divide by latitudes. In their collisions, the Union will shake to its foundations. The gentleman from New Jersey, on another subject, expressed a partiality for parties ; their existence he supposes essential to the health of the political body. Being myself fond of calm, I am willing to dispense with them altogether. His views might possibly be correct, could you regulate its extent as does the doctor his means by drachms and scruples. But I fear, sir, if I am not greatly deceived by the signs of the times, that this gentleman will have to acknowledge, by melancholy experience, that his remedy has of itself become a dreadful disease. But, sir, I have wandered from the point, which is—that we have an advantage for which we have given no equivalent. No. Take it for granted, however, that it is a favor, (our ratio of representation,) and not a sacrifice. Do we not pay in solid bullion for it ? Is not taxation directly in proportion to our representation ? But is this all ? What have we not done for the navigating interest, and for the manufactures of our Eastern brethren ? Three years past, at the suggestion of the latter, did we not unanimously pass a law, in conformity to their wishes, which interdicted the intercourse between this country and the British West India islands in British ships, with a view to the encouragement of the shipping interest of the East ? Have we not also passed a navigation act, at their instance ; and, in short, have we not done whatever we have been requested to do which could lead to their advantage in this regard ? Had the

South been influenced only by the sordid consideration of their own interest, they would have been content to employ the cheapest carriers, whether alien or domestic. They were influenced by a more magnanimous policy. We held our brothers of the East as ourselves, and, in promoting their particular interest, at our immediate sacrifice, we looked at the subject in a national point of view only. And, although a continual clamor has been kept up against us upon the subject of manufactures, yet the laws which have been passed for their encouragement indicate the very liberal feelings of the South upon this subject, not to say any extravagant partiality. In the opposition which has taken place to the unreasonable demands (or, at least, so esteemed by many) made by the manufacturing interest, no hostility to the North or East mingles therewith ; it results from a conviction that a system, which can be sustained only by taxing extravagantly the productive labor of the country, cannot be founded in a proper regard to the suggestions of true political economy.

We are asked, why has Virginia changed her policy relative to slavery ? That the sentiments of our most distinguished men thirty years past entirely corresponded with the course which the friends of restriction now advocate ; that Mr. Jefferson has delineated a gloomy picture of the baneful effects of slavery ;* and that the Virginia delegation, one of whom was the late President of the United States, voted for the restriction on the Northwestern Territory. When it is recollected that the Notes of Mr. Jefferson were written during the progress of the Revolution, the mind operated upon by its incidents, as novel as stupendous, it is no matter of surprise that the writer, who was performing so distinguished a part, should have imbibed a large portion of that enthusiasm which such an occasion was so well calculated to produce.

With the eye of benevolence, surveying the condition of mankind, and a holy zeal for the amelioration of their condition, he gave vent to his feelings in the effusion to which our attention has been called. It is palpable these are the illusions of fancy. Sad reality has since taught him, as his example shows, that the evil over which he wept is incurable by human means. By which will you be influenced, the undisciplined effusions of a benevolent heart, or the sober suggestions of cool deliberations, and ripened judgment ? As to the consent of the Virginia delegation to the restriction in question, whether the result of a disposition to restrain the slave trade indirectly, or the influence of that enthusiasm to which I have just alluded ; or, as is said by some, a political measure to counteract certain schemes then going on, whose object was, according to the rumor of the day, a severance of the Union, it is now not important to decide. We have witnessed its effects. What might have been speculation before, is now matter of experience. The liberality of Virginia, or as the result may prove, her folly, which submitted

* Mr. King, in a speech subsequently delivered, stated that Mr. Jefferson first suggested the restriction-

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to, or, if you will, proposed this measure, has eventuated in effects which speak a monitory lesson. How is the representation from this quarter on the present question? Virginia is constrained to cry out, And you, too, my children! I appeal to the Senators from that quarter—to their filial affection, and conjure them, by the kindness we have shown them, to arrest the unfeeling injustice meditated against us. Did we not give you the land which now constitutes your home, and which you liken, in your own language, to a Paradise? Did we not protect you in your infancy? Did we not arrest the policy of the East, which sought to fetter your mighty river, for no matter what purpose, whether disunion or to repress your growth? Did we not place you by our side in this and the other hall, and impart to you the high privileges of self-government? You have now become powerful: will you, in the first moment we have ever solicited your aid, abandon us and go over to the enemy? Will you surrender yourselves to the seductive influence of an envious step-mother, who sought to strangle you in your infancy? Dare you lift your parricidal hands against your natural parent? In the face of the most unpromising symptoms, I will continue to hope better things.

We have heard much of the moral and political effects of slavery. Instead of the picture furnished by theorists and enthusiasts on this subject, let us consult the testimony of history from the first to the present age. In the master States of antiquity, Greece and Rome, it existed in its worst form. And yet, such was the march of the human mind, in these distinguished Republics, in all that was ennobling in morals and science, that it continued to shine through the long eclipse of interposing darkness. And in the modern world the lamps of science and of liberty were lighted up from its yet unexpired embers. I will not pretend to retouch the picture delineated by the masterly hand of my distinguished friend from Maryland. His glowing and sublime eloquence, the exclusive companion of superior genius, lifted the curtain which separates us from past ages, and caused to pass in review the heroes of Marathon, Salamis, and Thermopylæ—splendid achievements, that lose nothing in comparison with all that has since intervened. If you descend to modern times, the result of experience in our own country is no less opposed to the suggestions of theory. I will not enter into the invidious task of contrasting the South with the North. How disastrous must be that question whose discussion permits a member of this body, in recounting the splendid monuments of American skill and bravery, to content himself with naming Bunker's Hill, Bennington, and Saratoga! Could not the gentleman from New Hampshire permit his national feelings to survive so long as to have recounted the Cowpens, King's Mountain, Guilford, Eutaw, York, and, finally, the victory of New Orleans, whose memory will live co-extensively with the flood on whose margin it was achieved? Why this invidious distinction? Does the honorable gentleman imagine I take less interest in indulging my pleasing recollection of the prowess of my country in the first than in the last?

No, they were my countrymen; the fame they acquired was a common stock; my portion of the inheritance I will not surrender.

Let it not, however, be supposed, that in the abstract I am advocating slavery? Like all other human things, it is mixed with good and evil—the latter, no doubt, preponderating.

The gentleman from Massachusetts (Mr. MELLEN) tells us, he is legislating for after ages. His view disdains the limited horizon of the present. Poor arrogant man, not content to act well his part in the little span assigned him by his Creator, he builds his mole-hill, and challenges immortality for his labors! A few revolving years, they are erased with the same facility as are the characters by the flood, on whose sandy margin they have been inscribed. Tell me at what pure fountain of knowledge have you drunk in the holy inspiration which enables you to penetrate the dark cloud which hangs on the future, and to adapt your counsels to the endless vicissitudes of human affairs? Satisfy me on this, before I surrender present happiness. I fear you have commenced this distant voyage under the most unhallowed auspices. You violate the Constitution; you trample under feet the plighted faith of the nation; you do an immeasurable act of injustice to one half of the nation; you lay the foundation of incurable hatred; and all this for consequences which none can see, but that Providence, in whose hands is the destiny of nations. Sir, reflections of this kind call up a fearful subject of contemplation. Your Government, upon its present scale, is as yet but an experiment. While the people are virtuous, it may equal all our fond hopes and anticipations; but when it shall reach from ocean to ocean, become populated to excess, and poverty and vice shall have shed their baneful influence; when materials of this kind shall be subjected to the intrigues of the wicked and ambitious; who, judging even from the present time, is sanguine enough to hope that we alone are to be exempt from the calamities, to which man has been born heir? Who can pretend to predict that the present order of things will be able to ride out the storm? And if, conforming to all human things, we, too, shall experience adversity—if this last hope of afflicted humanity shall, as the precursor of its final doom, be rent in twain, what then will be the fruits of your policy? On this side the Mississippi a black population, on the other a white. The latter, you tell us, is feeble, inadequate to its own defence; we present only a temptation to conquest. Instead of presenting a rampart, you have surrendered us, by your policy, an unresisting prey to our now hostile neighbors. It may perhaps be consistent with retributive justice that, our country overrun, you in turn may severely feel the terrible effects of your present injustice. Let me conjure the gentleman to return from his distant voyage, and unite with us in consulting the happiness of the present generation. Whether slavery was ordained by God himself in a particular revelation to his chosen people, or whether it be merely permitted as a part of that moral evil which seems to be the inevitable portion of man, are questions I will not approach: I leave

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them to the casuists and the divines. It is sufficient for us, as statesmen, to know that it has existed from the earliest ages of the world, and that to us has been assigned such a portion as, in reference to their number and the various considerations resulting from a change of their condition, no remedy, even plausible, has been suggested, though wisdom and benevolence united have unceasingly brooded over the subject.

However dark and inscrutable may be the ways of heaven, who is he that arrogantly presumes to arraign them? The same mighty power that planted the greater and the lesser luminary in the heavens, permits on earth the bondsman and the free. To that Providence, as men and christians, let us bow. If it be consistent with his will, in the fulness of time, to break the fetter of the slave, he will raise up some Moses to be their deliverer. To him commission will be given to lead them up out of the land of bondage. At his approach, seas will subside and mountains disappear. When the revelation shall be made, and the jubilee of emancipation be proclaimed, philanthropy will lift its voice to swell the joyful note, which, sweeping the continent and the isles of the new world, and resounding through the old, shall cause the oppressor to let go his prey, the dungeon to surrender its victim, and give emancipation to the slave. Till then, let us draw consolation from the reflection that, however incomprehensible this dispensation may be to us, it is a link in that great concatenation which is permitted by omnipotent power and goodness, and must issue in universal good.

I will not weary the patience of the Senate by detaining them any longer on this subject. It is the speaker, and not the theme, that is exhausted. However threatening the political horizon may now appear, I will not suffer myself easily to be cast down. No, sir, when I reflect upon our ancestors, who, flying oppression, braved a waste of waters, bringing with them nothing but their household gods and an unextinguishable thirst for freedom, taking root on a barbarous shore, growing up with a rapidity unexampled in the annals of mankind—uniting against the attempts of tyranny, and consummating the glorious Revolution: when I reflect on the spirit of concession and brotherly love in the formation of the Constitution; and when I finally contemplate the glory and happiness it has produced, I will not now distrust that Providence which has been pleased to dispense to us so many and such distinguished blessings. I will not permit myself to believe that this mighty scheme of political salvation, in which all nations are interested, will pass away like the grass of the field. I will rather continue to indulge the hope, that we shall remain united and free; that we shall advance to that height of prosperity when all nations shall resort to us, whence to draw the oracles of political wisdom and the sublime truths of civil and religious liberty. That such may be our fate is the prayer I will unceasingly address to the Great Disposer of all human events.

Mr. ROBERTS said: I rise, with unfeigned reluctance, to claim the indulgence of a further hearing from the Senate. I cannot, however, reconcile si-

lence with what I deem to be a faithful discharge of duty. I have listened, with equal surprise and regret, to hear gentlemen, with whom in this place I have long been gratified to act and think, deny or explain away what I deem to be the sound and fundamental principles of political truth. The gentleman who has just preceded me (Mr. BARBOUR) has informed us there is much public excitement existing relative to this question. The same thing has frequently been alluded to by others speaking on the same side. They, one and all, anticipate the most fearful consequences, if the proposition before you be agreed to. We have been reminded of our unratified treaty with Spain, our embarrassed currency and deficient revenue, as reasons why we should forbear doing what we find to be right. I have no reverence for that wisdom which would decide questions of the highest order—questions interwoven in the very web of our destiny, by a reference to the transitory embarrassments which may beset us at any particular moment. The question has fairly met us, whether freedom or slavery is to be the lot of the regions beyond the Mississippi. It ought to be deliberately decided, under a proper exercise of authority, with a view to the ultimate consequences the decision we come to may produce. It is, now, as to Missouri only we are called upon to act; but it will yet arise in Arkansas and other territories, which, in the fulness of time, may offer themselves for admission into this Union.

The people to the South, says the gentleman just sat down, (Mr. BARBOUR,) who compose one-half of the Union, are to be put, by this proposition, under the ban of the empire, as, from its operation, they cannot settle in the new State. If he be correct, which I do not admit, reject the proposition, and you put the other and larger half under the ban. A man who is conscientiously averse to holding slaves, and who cannot, therefore, employ the slaves of others, is forbidden to settle in a land where free labor cannot be procured. Such must be the case where slavery exists unrestricted. Admit Missouri, a slaveholding State, without limitation, and you place the citizens of the non-slaveholding States under an interdict, as to settlement, that they cannot overcome. Thus is the argument brought to an equation. With this dilemma are we beset. The gentleman has pronounced an eloquent and just eulogium on those who, in doing what they believe to be right, breast the storm of public opinion at home. To gentlemen who act thus, I am ready to afford an equal tribute of applause. Where the gentleman finds the supple politicians, who yield so obsequiously to every breeze of public opinion from that quarter which affords him so consoling a contrast, I cannot so well conceive. In this part of his compliment I can take no share. I have been glad to learn the opinion of the Legislature of Pennsylvania accorded with signal unanimity. Having no doubt of my duty before, I still hail with gladness this strengthening evidence of their concurrence. With us, there can be no recognition of slavery as a matter of right. An abhorrence of it, on all principles but those of supreme necessity, is interwoven

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into the very texture of our hearts and habits of thought.

The gentleman from South Carolina (Mr. SMITH) has asked, why we did not propose this restriction earlier? In this at least I have not been wanting. My maiden voice was assayed, in the House of Representatives, in favor of the inhibition of slavery north of the parallel of latitude which passes through the mouth of the Ohio, in, I believe, 1811, when the bill establishing the present Territorial government was under consideration. We were not then told the proposition was unconstitutional, nor in violation of the treaty; but that we were on the eve of a war, with almost one-half the community infatuated with the spirit of opposition to the Government; that further dissension at that time might be fatal. The question was thus deferred until a more convenient season. What I then thought right, I think so now. I rejoice to see this question excite public interest. Melancholy would be our prospects, if it did not. It must be settled some time, and better now than later. The gentleman who has preceded me has spoken of intemperate doctrine brought into discussion in a Northern State Legislature. Where, let me ask, has any thing more intemperate appeared than in the resolutions of that of Virginia? Dictation to the Congress has been uttered there without qualification or reserve. The gentleman tells us he has heard, too, the language of reproach where he had hoped that of kindness. He has been good enough to read me a lecture on moderation; but, how has he observed his own precepts. He charges us, without qualification, of wishing to do an act of enormous injustice—to insult Virginia; and, although she is disposed to submit to much insult and injustice, there is a point beyond which submission ceases to be a virtue. As to where the charge of inflicting reproaches, or the merit of extending kindnesses, may be most justly claimed, it is not for me, but those who hear us, to decide. If it were a question, says the gentleman, whether or not we should multiply slaves, he should be as much against it as any man; but, he adds, it is not a question of this kind, but one which determines only if they shall be confined to the spot where they now are. We do soberly hold, that it is a question whether slavery shall be extended, and slaves increased. No art nor subtlety in the use of language can successfully be applied to make it appear otherwise. Establish slavery over this territory, and you, of consequence, increase the value of slave-property. Extend the market, and you perpetuate this interest, by increasing the power of the holders of it. Reject this proposition, and to whose benefit does the consequence enure? clearly to the slaveholding interest, pecuniarily and politically. The scale of political power will preponderate in favor of the slaveholding States. The effect of such an event is hardly problematical. While the gentleman tells us this is not a question of slavery, he tells us that all sovereignty possessed on this subject is in the States; and that, so far as power is not given to the Federal Government, or withheld from the States, they are despotic

sovereignties. Despotic indeed, if they can transform freemen into slaves. We have heard from gentlemen, that the right of establishing slavery is a legitimate attribute of State sovereignty; that the States northwest of the Ohio may now constitutionally and lawfully introduce it, compact notwithstanding: that it was indulged under the Jewish theocracy, which was a government of God; that Christianity does not forbid it; that the Constitution of this Government sanctions it, and recognises the sovereignty of the State laws relating to it. Nay, more, the gentleman from South Carolina (Mr. SMITH) pronounces it right, views it as a benefit, and looks for its perpetuity. Without reserve, I deny that there is any power in a State to make slaves, or to introduce slavery where it has been abolished, or where it never existed, or even to permit its existence only as an evil admitting of no immediate remedy. The gentlemen have further alleged the ordinance of 1787 was in fraud of the articles of Confederation; that it was sheer assumption, and even downright usurpation. All this I must also deny, without reserve. The Constitution provides that new States may be admitted into this Union, and that the United States shall guaranty to every State in this Union a republican form of government. To ascertain what is a *State* and a *republican form of government*, we shall very unprofitably follow gentlemen through the history of ancient times, the middle ages, or periods of modern date, as regarding foreign communities—even Britain herself. We must search for their meaning in our own history only: here a different system of political morality has prevailed, and political truth taught without corruption. In this reply I shall assume no new ground of defence; it will only be necessary to take that trodden before a little more closely—when it was declared, on the part of these States, that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. Two conclusions most clearly result from these premises; that a government founded on these principles can neither make slaves nor kings. That is to put some, by birth, below, and some above the law. The exercise of creative power employed on one principle is just as reasonable as on the other.

We have heard, from the gentleman from Virginia, a claim of merit, for that State, of leading the way for the abolition of the slave trade, I think in 1778. Yet the Congress, in their non-consumption agreement of 1774, provided a clause to discontinue the slave trade, and, on the 6th of April, 1776, expressly prohibited it. These acts preceded the Declaration of Independence, with which they were in exact accordance. In pursuance of the same principle, Virginia acted in 1778, Pennsylvania in 1780, Massachusetts abolished slavery in 1783, and a majority of the old thirteen States subsequently acted on the same principle. Such was the character of a majority of the States which formed the Federal Constitution. It was impos-

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sible, at that era, it could have been conceived that the making of slaves was a legitimate attribute of State sovereignty. The Articles of Confederation, the second great act of the people of these States, expressly recognise all freemen as eligible to possess the franchises of citizens of the United States. Thus, from the earliest dawn of the Revolution, we trace the disavowal of any pretence that slavery can be suffered to exist on any ground but that of severe and unequivocal necessity. In 1780, the Congress invited the States to cede their wilderness territory, from causes I need not revert to. It was then promised such territory should be formed into States, and admitted into the Union, with the same rights of sovereignty, freedom, and independence, as the original States. Can any one doubt that the freedom, sovereignty, and independence, here spoken of, meant the "boon of making slaves," as it is called. No; it most clearly results, that what of these rights the old States were held to possess were such only as recognise the inalienable rights of man, and which were conformable to the principle that government was instituted to secure those rights, not to effectuate their violation. When the Congress of 1784, and subsequently in 1787, came to apply these principles of sovereignty, freedom, and independence, to the Northwestern Territory, they evidently acted on such an understanding. The 6th article of compact is a proof too strong of this to admit of denial, or even doubt. All the articles of compact are prefaced by the most unequivocal declaration by the Congress, that they contain the essential principles of the governments of the old States, and what they deemed the essential principles of all free governments; that is, in brief, republican government. We first find the phrases "Republican States," and "Republican Government," used, in reference to new States, in the resolutions of Congress in 1780 and 1784, and in the ordinance of 1787, from whence the phrase has been transplanted into the Constitution. A new State admitted into the Union, therefore, must be a State with a republican government. Though gentlemen have looked abroad to define this phrase, to get at a conveniently enlarged definition, it follows, most clearly, that it stands in the Constitution an insuperable interdict to slave making.

In No. 39 of the *Federalist*, Mr. Madison has occasion to inquire what is a Republican Government. "What (says he) are the distinctive characters of one? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers to the constitutions of different States, no satisfactory one would ever be found. If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on a government which derives all its powers, directly or indirectly, from the great body of the people." According to this definition a Republican Government cannot mean one where one-half the people shall have power to make the other half slaves.

We have been told, as before remarked, that the

ordinance of 1787 was an act of usurpation. The Congress, under the Confederation, had the power of making treaties. The States were not forbidden, under that Government, to cede territory to the United States. The parties to the cession of the Northwestern Territory were parties competent to treat. The Congress became vested, by virtue of their several cessions, with all the powers the States had over the ceded territory, excepting so far as the stipulations abridged that power. These stipulations provided that the said territory should be formed into States, and admitted into the Union. Nine States were competent to admit new members. The ordinance of 1787 was virtually an admission of States into the Union. This vote of admission was unanimous. The ordinance was supervised by Virginia—first by her delegates in the Congress, and next by her Legislature, who, at the desire of Congress, modified the terms of cession. It is thus impossible there could have been any doubt, on the part of either of the contracting parties, as to the meaning of what was termed the same rights of freedom, sovereignty, and independence, as to the original States, as well as to the power of the Congress to prescribe terms of admission. The Articles of Confederation provided for the admission of Canada, but no other colony should come into the Union, unless by the consent of nine States in the Congress. Here, as in the Constitution, the discretion to admit or not to admit existed. The promise made to admit by the Congress was voluntary, and the terms of admission predicated on a discretion soundly arising out of power legitimately vested in them. To term such an act fraud and sheer assumption, is matter of great surprise. It was an exercise of power all parties were then agreed on as correct, and these principles have formed the basis of all subsequent admissions of States. Now, for the first time, has a new language been held: every thing hitherto done of a restrictive character is pronounced a nullity, and the supervisory care of the Federal Government is denied and denounced as odious oppression and insupportable tyranny.

The Congress have now the power over the Territory of Missouri it has had over that Northwest of the Ohio, restricted alike by the treaty of cession. That treaty certainly does not require the unrestricted introduction of slaves. We admit it guarantees the property in those that now exist. We therefore hold Congress to be as free to require of the new State to inhibit their further introduction, as they were formerly to forbid the existence of slavery in the States northwest of the Ohio.

The recognition of slavery in the Constitution will not go far to justify the right to establish it. Why is a circumlocution of words used in that instrument, to designate such persons, instead of one so appropriate as that of slaves? Either because it was considered as a painful word, or for the better reason, that it was hoped the Constitution would survive a state of things where the word could be applicable. In either case, emancipation must have been looked to as a desirable event, and a righteous consummation of the promises of the Revolution.

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Gentlemen say, all our arguments look to the abolition of slavery. I admit it; but, in indulging this hope, far be it from me to think of disturbing what has been settled. Yet I cannot abandon it, as it is the happy alternative opposed to a dire catastrophe. Gentlemen refer us to the Jewish law, and especially to the 25th chapter of Leviticus. Let me call their attention to the tenth verse of that chapter:

"And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land, unto all the inhabitants thereof: it shall be a jubilee unto you, and ye shall return every man unto his own possession, and ye shall return every man unto his own family."

There was also a seventh year jubilee that freed all that were in bondage, of Hebrew race. Let these operate in their native force, and I apprehend gentlemen will not think them very desirable. I think I now hear something like a new language on the subject of slavery, such as has hitherto not been that of Republican America. Under the mildest exercise of the rights of the master, it has at all times heretofore been deemed an evil, which all good men felt bound to hope was remediable.

We have been told that the self-evident truths set forth in the Declaration of Independence, are not, as we understand them, the foundation of all our principles of law, but merely abstract aphorisms, which have but a limited meaning. It is denied all men are born equal. Some, it is said, are born rich, and others poor; some are born peers of the realm, and have a right to give laws to those to whom they are not bound to give alms. Will the gentleman from Maryland tell me these sentiments are applicable to our country, where none can be born to privileges of estate and title? Nothing is more common than that the child born to-day, of opulent parents, may to-morrow become the son of an indigent father. Such are the common chances of trade, and the effect of our equal laws. But, if men are thus born equal, much more are they created so, as creation precedes birth. But, says the gentleman, we are told of inalienable rights, when the fact is obvious there are no rights but what are alienable. The soldier (says he) aliens his life, and I have (he adds) aliened a part of the freedom of my mind in marriage. The soldier and the conjugee must be free before they can become parties to such contracts. In both cases the object of the contract is happiness, and the fair obtainment of equivalent benefit. The soldier may be influenced by great moral motives—love of country, love of glory—benefits of valuable consideration. Till now I had not learned marriage could be held as restraint and servitude; on entering it, I thought I was entering the precincts of liberty. I have not been disappointed; for the franchises of a husband and a father are high and happy ones.

To show that slavery is fruitful of elevation of national character, the achievements of Thermopylæ, Marathon, Salamis, and Platea, have been instanced. Say, was Grecian prowess less in the Ten Thousand, and at Arbela? Men will encounter much for their liberty; they will sometimes perform bold deeds in pursuit of mere glory, or through attachment to a leader. Generally, I ad-

mit that great actions are the result of strong moral motives. I should rather ascribe the memorable exploits of the ancient republics to the free principles of their government, than to the existence of slavery, which seems at last to have been their bane.

In depicting the effects of the very limited proposition before you, gentlemen have indulged in the most extravagant figures of language. On the one hand, they have drawn Missouri in chains prostrate at your feet, the limbs of her sovereignty mangled by a sort of political surgery, with a brand on her face, and the collar of servitude about, and your feet upon, her neck; the victim of the most odious reproach, with her spirit broken; a State squeezed to a pigmy, and made the shadow of a shade, and the scorn of every tongue. We are next warned to beware of awakening the sturdy spirit of Missouri; she is, it is said, snuffing oppression in every breeze. We are called upon to look at her, filled with a mighty population, dissatisfied and rebellious; to sow not such seeds, lest we reap a lamentable harvest. Really, like the gentleman from Maryland, I want intellect to comprehend the force of such reasoning, if it be to be called by so sober a name. To what desperate acts of folly must this compassionating and anon terrifying style of address lead, if it be allowed to have any effect. In the midst of the tumult of the passions of fear and pity, reason and a sense of right can hardly fail to be obliterated. Is it, exclaims the gentleman from Maryland, (Mr. PINKNEY,) that you wish to force manumission on the South? I answer, not at all. It is to do nothing more nor less than to prevent, as far as possible, the extension of slavery.

You come armed, say gentlemen, with religion in the one hand, and humanity in the other. That, when encroachment dresses herself in the garb of piety, then it is she becomes more dangerous, and then it is she assumes a power that can achieve the universe. Let me ask gentlemen, if, when men come armed with desire of gain in the one hand, and a love of power in the other, are they fitted to achieve less, or are they more respectable or less dangerous? Humanity and piety, it is true, may be mistaken, and seek right by doubtful means sometimes, but the passions of interest and ambition must inevitably seek wrong ends by use of wrong means. Their appetite is insatiable—success only whets it. Enthusiasm begins, we are told, as the gentle streamlet, but it soon becomes a resistless torrent. This remark applies in full force, as well to the pursuit of power and property, as the promulgation of a particular belief. It is a two-edged sword, and cuts at least with equal keenness both ways. We are counselled that, in this dread of extending slavery, we are about to open the Mediterranean of discretionary authority, through all its sluices. What is the alternative offered us? At least an equal danger of excess in State discretion, and even in novice candidates for a place in this Union. Let it not be forgotten what we ask for in the proposition before you. The limits are well defined—consonant with the whole practice, and strictly within the principles and legiti-

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mate power of the Government. A principle consecrated in the admission of at least seven States into this Union. On such a proposition, gentlemen resort to such modes of expression. To say the least, they are equally inapplicable and extravagant.

Gentlemen have taken much offence at the pamphlets which have been published, reasoning against the extension of slavery in Missouri. Why this disturbance? We have not relied on them, nor plead them in the argument. I am aware it has been broadly intimated that we have found it cut and dried to our hand. If it were even so, it is still argument, and gentlemen must meet it for what it is worth. We claim no merit further than that of doing what we find to be right in the best way we can, and the plain course for gentleman is, after meeting us here, if they be disturbed by what is said elsewhere, to sit down in their closets and refute these offensive publications. I should be pleased to find them at such a work. It would be fairly to enter the lists with the pamphleteers, and to oppose *Pharsalia* to *Pharsalia*. Perhaps, however, these officious authors will be sufficiently noticed in gentlemen's speeches. The gentleman from Maryland says, if slavery be incompatible with republican Government, that State must retire from the Union, perhaps, for her sins. In some States, says he, a quantum of property is necessary to the enjoyment of the elective franchise, and that the white man who has it not is as much disfranchised as the slave of the South. How strange an assertion! Is the white man under the control of a master whom he has not chosen, liable to punishment at his will, bound to labor for his exclusive benefit, and to receive his pittance of food and raiment from the hand and at the discretion of him who holds him in bondage? To hear observations so vague and unreasonable may be matter of surprise, but hardly fit subject for reply. The government of slaves, we are told, is a patriarchal one, and that, in nine cases out of ten, the slaves which may be taken to Missouri will go with their masters. At least, then, in one case out of ten, they will be taken there manacled under the lash of the driver, who holds them in no other estimation than as property—the creature of municipal law. I have witnessed such exhibitions from the windows of this Capitol. But more. Though in persons so degraded the severance of the ties of husband and wife may be less painful to the sufferers than if the parties were of free condition, but ties of maternal fondness are governed by other laws. Nor can it be necessary to paint to your imagination the distress that a severance of these ties by violence must awaken.

Slaves, says the gentleman from South Carolina, (Mr. SMITH,) are the happiest poor people in the world, and the gentleman from Virginia (Mr. BARBOUR) tells us the parting of a slave from his master is not like parting the hired man from his employer. I have had occasions to listen before now to comparisons drawn by Southern gentlemen between the laborer of the North and the Southern slave. In ordinary cases such a paral-

lel could hardly justify a reply. The white laborer is always a free man, generally an honest man; often an intelligent and informed man. He knows his rights, and understands his duties. Free laborers, who are housekeepers, are seldom without their newspapers and means of information. These channels of intelligence are everywhere established with us. It is a successful business to the publishers almost always. Can there be a stronger evidence of a reading people? The relation between laborer and employer, where the latter is a freeman, is that of equals. Each looks to the other for the fulfilment of the covenant between them. They often stand in the relation of friends. Their intercourse is almost always respectful and courteous. I have been forcibly struck with how equal a share of happiness, to say the least, was enjoyed by the man of opulence and the cottager in the Northern States. The latter, being of good conduct, always has the boon of substantial freedom, and can hardly want the comforts of life, while the cares and anxieties of the former seem proportioned to his desire of increasing his wealth. Under any aspect, however, there can be no just resemblance, nor any comparison of advantages, common to the freeman and slave. I must beg leave to correct the gentleman from South Carolina, (Mr. SMITH,) when he says that the Colonization Society was formed to rid the non-slaveholding States of their free people of color. The associated friends of African emancipation in those States have explicitly published to the world, they consider the project as having originated in the South; that its object is the perpetuation of slavery; and that they can neither participate in it, nor countenance it.

When gentlemen claim for Missouri this boon of slavery, as it has been called, and paint its advantages, and plead for its legality, let them look at its origin. Whence have they derived their claims as owners and masters? From the violence of savage warfare; from the frauds and crimes of the man-stealer. Here is the foundation of their pretensions. What was originally wrong can never become right, while there is a living subject to suffer. While I most readily admit, a sudden and general emancipation in a large portion of this Union would be the frenzy of madness, I hold it the incumbent duty of all to believe it desirable, and to look and hope for its consummation in the fulness of God's providence.

Having briefly reviewed the argument of gentlemen, so far as I have noted it, I am not disposed studiously or unnecessarily to multiply words. They cannot doubt but that I believe much of the further ground they have taken, capable of successful reply. There are but two grounds upon which this proposition seems susceptible of legitimate opposition. First, its preclusion by previous engagement; and, secondly, strong expediency. The first, I hold entirely inoperative; and the second, if it applies at all, cannot apply to the whole territory. It is in application to the whole territory that I view the arguments of gentlemen as most objectionable, both as they apply to the principle of slavery and the admission of new States.

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An increase of States west of the Mississippi, holding slaves, must, let me repeat it again, radically change the relation in which these States stood towards each other at the formation of the Federal Constitution. Gentlemen, to sustain their opposition to the amendment before you, have been led to deny or explain away the leading truths in the Declaration of Independence, and call the ordinance of 1787 an usurpation; the principles adopted for the admission of seven new States useless, or bordering on the ridiculous; and that all the supervising care exercised by the Congress, is a nullity, having neither moral nor legal obligation. I have felt equal astonishment and regret on hearing such doctrines. Here I must enter my solemn protest against them, and trust that more sober reflection may chasten the feelings that have carried gentlemen to such lengths. I must still hope that some mode may be devised to stop the progress of this, in my humble opinion, course of most unfortunate error.

Mr. JOHNSON, of Kentucky, then addressed the President as follows:

It requires great exertion of resolution to speak on this occasion, because the patience of the Senate is already exhausted. I never could sustain myself, even in the most fortunate moment, without an audience; and at this time, I fear I shall not be able to command attention either by my manner or matter. The subject, however, is of such transcendent magnitude that I cannot reconcile it to a sense of the duty that I owe to the State in which I reside to give a silent vote. At some future day, I might view the consequences, resulting from our deliberations, and condemn my silence.

The commencement of this debate has been represented, by the military figure, as a skirmishing; a war of sharpshooters; and in the progress of the conflict, we have been saluted with the thunders of the artillery. It is now time to change the metaphor to one of rural character, a harvest which is over; and, I feel myself literally but a mere gleaner.

It appears to me, sir, that in the course of this debate we have unhappily misunderstood each other. Expressions have been used, on both sides, conveying different sentiments from what were intended. Those who have advocated the measure of restriction, have used language which would indicate a disposition to proceed to universal emancipation, alike regardless of the means by which they would accomplish it, and of the sovereignty of the States in which it is tolerated; at the same time charging upon the present proprietors of this species of property all the odium of that perfidy and cruelty by which slavery was first introduced into the country. Those, on the other hand, who have contended for the sovereignty of the States, and opposed the measure of restriction as an assumption of power unknown in the Constitution, have given a latitude to their expressions which has been construed into a justification of the abstract principle of slavery. Misconceptions, and misconstructions of language, producing crimination and recrimination, should ever be avoided in this body, especially upon this delicate subject.

On reviewing the scope of argument, on both sides, I am satisfied that the one cannot be justly charged with advocating the sentiments which their language would seem to indicate; nor the other, with an attempt to justify the abstract principle of slavery, as either religiously, morally, or politically, correct. None will pretend, that Congress can interfere with the subject of slavery in the several States; and no member of the Senate could advocate the slave trade without exciting the indignation of the whole nation. The tree is known by its fruit. And let me entreat you, sir, to recollect what has been the conduct of the Representatives of States, where this property is recognised, from the commencement of 1808, the moment in which the General Government was authorized by the Constitution to put an end to this merciless traffic. Not a solitary voice has been raised in favor of the African slave trade. A universal disposition has ever been evinced to annihilate forever this cruel branch of commerce, which swells every bosom with sorrow; which fills every heart with indignation. If all the States, in which slavery exists, can furnish one exception—if the slave trade has ever had one advocate within these walls, let it be proclaimed to the world! No such exception does exist—no such advocate can be found. For my own part, in verity I protest, that no person in existence more detests this abominable traffic in human beings than myself; and I am confident that every man whom I represent has the same abhorrent feelings in relation to the subject. But, sir, the right of Congress to interfere in property of this, and other description, is quite a different question. It was originally imposed upon us by the policy of Great Britain; but now we have acquired in it a legitimate propriety; we have paid for it our money; we hold it under the sanction of law, and have the right to dispose of it as we please. The General Government, if not pledged to guaranty to us the enjoyment of it, certainly have no right, Constitutional or moral, to wrest it from us. We hold not ourselves accountable to the nation for the treatment we shall observe, or the disposition we shall make of this, more than any other species of property, nor will any be permitted to dictate our conduct therein. Notwithstanding these sentiments, no person can more sincerely lament, than I do, the existence of involuntary servitude in the United States; and none would make greater personal sacrifices, could I discover a way, in the providence of God, to bring it to an end.

We are not the only people who have had slaves; yes, and slaves of their own complexion. I speak not this to justify the principle, but to remind you of the fact, that slavery has existed from the earliest ages of antiquity to the present day. Nor has its existence been confined to heathen nations; both Jews and Christians, believers as well as unbelievers, in divine revelation, from the patriarchs of God's ancient people to the present time, have been the proprietors of slaves, without one admonition from Heaven in the whole book of inspiration against it. The law of Moses, delivered by the Almighty himself for the government of his

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own chosen race, recognised a complete property in slaves. "Abraham, the father of the faithful," "the friend of God," had upwards of two hundred born in his own house, whom he trained to war. Isaac, the child of promise, inherited this property; and Jacob, the progenitor of the twelve tribes of Israel, had bond-men and bond-maids of his own. We even find the same custom to have prevailed with them, which continues to the present day; that when a daughter was given in marriage, she received, as a gift from her father, a maid servant, and a man servant was given with a son. Under the benign influence of the gospel dispensation, no change in this respect is found. The Apostle Paul, in his letters to the churches of Ephesus and Colosse, and in his instruction to Timothy, designed for all christians, and in all ages, speaking of the relative and reciprocal duties of parents and children, of husbands and wives, never fails to exhort servants or slaves to be obedient to their masters, and masters to deal gently with their slaves. Fidelity, on the part of the slave, and kindness, on the part of the master, are thus made christian duties; but emancipation is not even hinted at, as the right of the one, or the obligation of the other. Before I leave this part of the subject it may not be improper to advert to the story of Onesimus; he was the slave of Philemon, a distinguished christian minister. Onesimus fled from his master and went to Rome, where, by the instruction of Paul, he was converted to the christian faith. Paul found him useful in the cause, and desired to retain him in Rome; but recognising the property of Philemon in him, he had no hesitation to remand Onesimus to his master; and not even to employ him in the cause of God, without first obtaining his master's consent. Now, sir, as it is evident, that, under every dispensation of Heaven, slavery has existed, and that neither patriarchs, prophets, nor apostles, to whom the word of inspiration was committed, ever made the subject a test of piety, or matter of animadversion, I know of no principle, either human or divine, by which slaveholders in America can be justly reprobated as the most odious of mankind.

Do I attempt to justify the principle of slavery by thus adverting to sacred history to prove its existence among good men? No. But the allusion is made to prove this fact: that there may be a state of things in which slavery becomes a necessary evil, and in which its existence is not incompatible with true religion. Such a state of things, the gentlemen on the opposite side must acknowledge to have existed among themselves; for in the abolition of slavery in those States where it is abolished, though the number was small, yet, the wisdom of their legislatures, in almost every instance, prevented the evils which they expected to result from a sudden change, by providing for its gradual abolition. Yes, sir, those who are now most censorious in their declamations against slavery, have, by their own acts, in their own States, sanctioned every principle which the slaveholder in other States, either sanctions or avows; because, in the gradual instead of sudden abolition, they have acknowledged the existence of that state of

things among themselves, which justified the holding of some in a state of involuntary servitude for life, and of others for a term of years. If such has been the policy of States, where the number of slaves, owing originally to the coldness of their climate rather than to any moral cause, bore but a very small proportion to their whole population, it is but reasonable to conclude that they would have justified the same policy which has governed their sister States, had it been their lot to have embosomed as great a proportion of slaves.

But *humanity* is the plea. And can gentlemen sincerely believe that the cause of humanity will be promoted by still confining this population within such limits, as that their relative numbers will oppose everlasting obstacles to their emancipation? Upon the most extensive principle of philanthropy, I say, let them spread forth with the growing extent of our nation. I am sure I plead the cause of humanity. I advocate the best interests of the sons of bondage, when I entreat you to give them room to be happy; and so disperse them as that, under the auspices of Providence, they may one day enjoy the rights of man, without convulsing the empire or endangering society. We must now take the world as we find it—not as we would have it; and adapt our measures to the actual state of things. The cruelties which are passed cannot be retracted; and upon the slave trade we can now only look back with emotions of regret, which have but one balm of consolation to mitigate our sorrows. It is this: that outrages upon humanity may be tolerated in civilized society, which are overruled by Divine Providence, for the ultimate good of those who were the victims of cruelty. Such has been the consequence of the slave trade; and let it now be our object to make them feel the benefit, since they have not been exempted from the misery.

There is no just cause for irritation on this subject. We should suppress our feelings, when they threaten to transport us beyond the bounds of reason. Early habits beget strong prejudices, and under a heavy burden of them we all labor. But it becomes us to bring them to one common altar, and consume them together. Before we compel our brother to pluck the mote from his eye, it will be wise to take the beam from our own. On this occasion I cannot omit to mention my own feelings on a former occurrence. When I first came to Congress, it was with mingled emotions of horror and surprise that I saw citizens from the non-slaveholding States, as they are called—yes, and both branches of our National Legislature—riding in a coach and four, with a white servant seated before, managing the reins, another standing behind the coach, and both of these white servants in livery. Is this, said I to myself, the degraded condition of the citizen, on whose voice the liberties of a nation may depend? I could not reconcile it with my ideas of freedom; because, in the State where I received my first impressions, slaves alone were servile. All white men there are on an equality, and every citizen feels his independence. We have no classes—no patrician or plebeian rank. Honesty and honor form all the distinctions that are felt or known. Whatever may

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be the condition of a citizen with us, you must treat him as an equal. This I find is not so in every part of the non-slaveholding States, especially in your populous cities, where ranks and distinctions, the precursors of aristocracy, already begin to exist. They whose business it is to perform menial offices in other States, are as servile as our slaves in the West. Where is the great difference betwixt the condition of him who keeps your stable, who blacks your boots, who holds your stirrups, or mounts behind your coach when you ride, and the slave who obeys the command of his master? There may be a nominal difference; but it would be difficult to describe its reality. In the one case it is called voluntary, because it is imposed by its own necessity, and in the other involuntary, because imposed by the will of another. Whatever difference there may be in the principle, the effects upon society are the same. The condition, in some respects, is in favor of the slave. He is supplied with food and clothing; and in the hour of sickness he finds relief. No anxious cares, in relation to age and infirmity, invade his breast. He fears no duns: careless of the pressure of the times, he dreads not the coercion of payment, nor feels the cruelty of that code which confines the white servant in prison, because the iron hand of poverty has wrested from him the means of support for his family. Though slavery still must be confessed a bitter draught, yet where the stamp of nature marks the distinction, and when the mind, from early habit, is moulded to the condition, the slave often finds less bitterness in the cup of life than most white servants. What is the condition of many, who are continually saluting our ears with cries of want, even in this city? Men, women, boys, girls, from infancy to old age, craving relief from every passenger. Are they slaves? No. Among the slaves are no beggars; no vagrants; none idle for want of employ, or crying for want of bread. Every condition of life has its evils; and most evils have some palliative; though perhaps none less than those of white menials. Yet, sir, none are more lavish of their censures against slaveholders than those lordlings with livery servants of their own complexion. For my own part, I have hitherto been fortunate in my public course, in having retained the confidence of my fellow citizens. I have not only triumphed over the most troubled elements—I have even braved the storm produced by the famous compensation law; but I never could stand having white servants dressed in livery. No, sir, when the honest laborer, the mechanic, however poor, or whatever his employment, visits my house, it matters not what company is there, he must sit with me at my board, and receive the same treatment as the most distinguished guest; because in him I recognise a fellow citizen and an equal.

The condition of the slave is but little understood by those who are not the eye-witnesses of his treatment. His sufferings are greatly aggravated in their apprehension. The general character of the slaveholding community can no more be determined, nor should they be any more stigmatized, by a particular instance of cruelty to a

slave, than the character of the non-slaveholding community by a particular instance of cruelty in a parent towards his child, a guardian to his ward, or a master to his apprentice. No man among us can be cruel to his slave without incurring the execration of the whole community. The slave is trained to industry; and he is recompensed by kindness and humanity, which lighten his burden. His master is his guardian. He enjoys the rights of conscience, and worships God as he chooses. The Gospel sheds as bright a lustre on his path as on that of the white man; and quite as great a proportion of them become believers in the Saviour, and are admitted into the communion of the Christian church.

Except on the sugar, the rice, and the cotton plantations, at the South, the slave is not a profit to his master. Upon a fair calculation of debtor and creditor, the majority of them would fall in debt; and the holding of them is more a matter of convenience than profit.

A solemn appeal has been made to the Declaration of Independence, as if that instrument had a bearing upon this question; though, at that day, and long since, slavery existed in every State of the Union. That sentiment has been quoted, that all men are created equal; that they are endowed by their Creator with certain equal, inalienable rights; among which are life, liberty, and the pursuit of happiness. This sacred truth should be engraven upon every heart, for it is the foundation of all civil rights, and the palladium of our liberties. The meaning of this sentence is defined in its application; that all communities stand upon an equality; that Americans are equal with Englishmen, and have the right to organize such government for themselves as they shall choose, whenever it is their pleasure to dissolve the bonds which unite them to another people. The same principle applied to Missouri will defeat the object of gentlemen who advocate this restriction.

Could this principle be reduced to practice in relation to every human being, it would be happy; but such is the character, and such the condition of man, that it is perpetually violated by every individual, and by every body politic; often wantonly, sometimes through necessity. Every State in this Confederacy, not even excepting the great and unambitious State of Pennsylvania, violates this principle, if it be understood according to the application given it by gentlemen, in the most important political rights—the elective franchise and the qualification for office. The organization of every department, both of the General Government and the State governments, infringes upon this principle. Different qualifications are required in different States; in some, a freehold inheritance; and the least, in the most democratic States, are age and residence. And shall we reject a State for this violation of principle? However unfortunate it may be, this great principle of equality, so delightful in theory, is but very partially regarded in practice; and I will not deny the allegation, when it is asserted that necessity often justifies the measure. Then, sir, let imperi-

ous necessity, in this case, also, prefer its claim to consideration.

But I am at some loss to conceive why gentlemen should arouse all their sympathies upon this occasion, when they permit them to lie dormant upon the same subject in relation to other sections of country, in which their power would not be questioned. Congress has the express power, stipulated by the Constitution, to exercise exclusive legislation over this district of ten miles square. Here slavery is still sanctioned by law; and, though we have ocular demonstration of it continually, the slave in this place finds no advocate. Is it because they fear no political rivalry from this quarter? To interfere with State sovereignty upon this subject, is, in my humble opinion, downright usurpation; but, in the District of Columbia, containing a population of 30,000 souls, and probably as many slaves as the whole territory of Missouri, with three cities increasing rapidly in population, the power of providing for their emancipation rests with Congress alone. Why, then, Mr. President, let me ask, why all this sensibility, this commiseration, this heart-rending sympathy, for the slaves of Missouri, and this cold insensibility, this eternal apathy towards the slaves of the District of Columbia? There is a mystery in this anxiety, this excitement of popular commotion on the one hand, and this utter indifference on the other, which it requires a casuist to divine. Is your object the emancipation of slaves? No one pretends that this measure will diminish the number of slaves, unless, by this very singular kind of humanity, you diminish their comfort to such a degree as to prevent the increase of that species of population. Nor is it pretended that the failure of this favorite motion for restriction will enslave a solitary individual of the human race; though we have witnessed that strange kind of sympathy for their sufferings which would so confirm their misery as to deprive them of a posterity. For my own part, Mr. President, I do not well comprehend this humanity. I would prefer a different exercise of this noble principle. Miserable as the condition of the slave may be, his condition is yet preferred to that of annihilation. He finds in life sufficient charms to induce him still to cleave to it; and in his rising progeny he has the same kind of satisfaction that the free man feels. He will never court your sympathies, if they are to be elicited in adding confinement to servitude, and to ultimate in annihilation. Humanity has a head as well as heart; and as the citizens of Missouri have the same right in nature to govern themselves that any others enjoy, the legitimate exercise of this principle will be, to leave them to the enjoyment of that right, and they will decide for themselves the most humane policy to be pursued.

But, sir, this is not a question of slavery. The simple question involved is this; whether I shall have an equal right with my worthy friend from Pennsylvania (Mr. ROBERTS) to remove with my property (slaves and all) to Missouri—a common property, purchased by the common treasure of the whole Union; and whether my constituents, the citizens of Kentucky, shall enjoy the same

right with the citizens of Maine to inherit this common property, with all their effects. I am aware, sir, that, by some means, this question has been made to assume the appearance of a question for freedom on the one hand and slavery on the other. From the popular excitement which has manifested itself in many communities at the North, I am warranted in this conclusion. The mass of society in every section of our country is righteous; and I am certain the expression of their sentiments upon this subject, by such worthy and honorable citizens, in so many popular meetings, has been upon this mistaken view. It has not been the clamor of intriguing politicians, striving for an ascendancy of power, provoking local animosities for ambitious purposes, but from a misapprehension of the main question for that of slavery. I am ready to acknowledge that they have shown a zeal in the cause of liberty which does honor to their hearts. I will mention a case in point: A very worthy friend of mine, who was always an enemy to slavery, and had made personal sacrifices in the cause of emancipation, was of the opinion that Congress had no Constitutional right to impose this restriction. He received a letter from an intimate friend of his expressing much surprise on learning that he had become an advocate for slavery. In his reply, he denied the charge of having changed his sentiments; but stated his reasons for the opinion which he held in a manner which would have done honor both to the head and heart of a legislator. He conceived the Government to be pledged, by the solemn stipulation of the treaty of cession by which that territory was acquired, to admit them into the Union; which pledge could not be honorably redeemed, if conditions were imposed which did not exist in relation to the original States. As slavery therein had been sanctioned by law while it remained a territory; and as citizens of the States, holding slaves, had purchased lands from the Government, in that territory, under the expectation of removing to it, and improving it with their slaves, he conceived it to be an act of injustice in that Government to require a condition which would deprive them of these benefits. The power of Congress to admit new States into the Union, he conceived to be no other than that of the principle of the Constitution; whereby every State so admitted must retain the same sovereignty as that retained by the States which formed the Federal compact; and as those States had reserved to themselves the power of sanctioning or abolishing slavery, so Missouri, on becoming a State, could not be constitutionally deprived of that power. This reasoning, sir, appears to me conclusive. The stipulations of the treaty; the sanctions under which the lands have been sold, and the nature of the Constitution itself, in regard to State sovereignties, oppose irresistible obstacles to the restriction proposed. But these misunderstandings of the real question at issue are unfortunate, as they produce a false alarm in the community. Prejudices thus rivetted upon the minds of a virtuous people are calculated to array one part of the great American family against the other,

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without the hope of one solitary benefit for the result. Ambitious men may gladly seize the occasion to court popularity and confidence; but rest assured the people are to be the victims of their wiles.

The division which this subject produces is the more to be deprecated as it is marked by geographical lines. The mischievous consequences of thus provoking jealousies and animosities have not been sufficiently contemplated by the patriot and statesman. The inevitable result must be this: you will look for *residence*, and overlook *merit*. Public services and private virtues will be forgotten. A demon or a saint will equally suit your purpose, till the favorite object is accomplished. Prejudice will blind your eyes to the danger of bad principles; and while laboring in vain to break the manacles of others, who do not thank you for the effort, you are forging chains for yourselves, that will one day hold you in bondage. Heretofore we have divided upon the principle of measures equally affecting every part of the nation. In 1798, when measures tending to consolidation, threatening the liberty of speech and the press, were pursued, no geographical lines, marking the division between slaveholding and non-slaveholding States, produced the sentiment of either party. The strife was betwixt honest and patriotic members of every community and every village. The consequences were often unhappy for a moment, but not dangerous to the whole family. The enmities which it occasioned were temporary, and would soon die a natural death. But, when local residence becomes the occasion of deep-rooted animosities, the consequences are always dangerous, and often fatal. Why, then, attempt a dangerous course, when necessity does not demand it? There is nothing in the legitimate exercise of the powers of the General Government, touching any of the objects of the Confederacy, which requires a single allusion to the subject of slavery in the States. Once in ten years it may possibly have its influence in fixing the ratio of representation; and I believe, at the last census, the slaveholding States lost several Representatives, by the superior management of the other States, in leaving the greatest fraction upon them. But, this being accidental and temporary, was no subject of contention.

On the present occasion, sir, you attempt impossibilities. You may injure, but you cannot benefit, the black population. If ever they enjoy freedom, their emancipation must be gradual; and it must be preceded by a progressive amelioration of their condition, to prepare them for liberty. The more you suffer them to disperse, the more rapidly you will accelerate this desirable state of things. The energies of the Christian world are now combined in the diffusion of evangelical light, and the principles which it inculcates are every day relaxing the bonds of slavery.

Providence, all wise and inscrutable in its ways, is gradually effecting the ultimate object of our wishes, which your ill-timed interposition is calculated only to retard. Individual exertion, acting in concert, can alone prepare the way. Encourage Sunday schools; multiply Bible societies;

increase missionary exertions; animate to deeds of benevolence, abolition societies, and perfect the system of colonization. Then trust the kind providence of God for the result, and you will perform the duties of Christians and patriots, in the service of God and his creatures. But, till you can change the spots of the leopard, you cannot change the condition of the slaves, by the illegitimate measures now proposed. You may violate the Constitution—you may impair the social compact by encroaching upon the sovereignty of the States, which is the palladium of our liberties—you may touch the right of property under the pretext of letting the captive go free; you may essay to bind the people of Missouri, by prescribing to them conditions of legislation; but your effort will be fruitless. You risk much and gain nothing. The people of Missouri are Americans. They have the right of self-government, and they will govern themselves. You may prepare chains for them, but, like Sampson's cords, they will be as tow, and fall asunder like ropes of sand. These people are descendants of freemen. They are of the old stock, who achieved your independence; and they will be free. Do you hope to abridge their sovereignty? Their character is a pledge that they will not yield their rights.

Whatever may be our anxiety for universal freedom, it is very certain that no sudden change can be effected. To attempt impossibilities will only expose our folly. God himself has taught us to wait patiently the operations of time, by his own example, in six days employment in the formation of the world; and while we find sufficient evil to awaken all our sensibilities, we should remember that man cannot renovate the world in one day. In the moral world, we see vices and crimes; in the religious world, persecutions and martyrdoms; in the political world, despotism and convulsions; in the physical world, earthquakes and tornadoes. Who can renovate the heart of the vicious, and chasten the thoughts of the wicked? Who can sustain the martyr upon the cross? Who can hush the tempest in the political world, or control the destinies of nature? He only, who holds the winds in the hollow of his hand. I charge you, then, to let patience have its perfect work; and do not rashly disturb the balance of this harmonious political system. If you do, the blood will be upon your own heads. I have unshaken confidence in the Providence of God, that he will, in his goodness, provide the ways and means of deliverance from this great evil, and that he will do it without violence or compulsion. But we are to choose the time, and effect in a day what cannot be accomplished in years, without a miracle; and this is to be done without respect to either the sentiments or rights of our neighbors. Instead of satisfying ourselves with the happy condition in which a kind Providence has placed us, we are to aspire, like our first parents in Eden, to become as gods; and, for the sake of giving law to others, independent as ourselves, we are to set the whole nation in a state of commotion. Beware, lest, like them, you should experience a sad reverse, and entail the curse upon posterity. We are to become

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constitution-makers, and give both the text and commentary. I was taught to believe in the doctrine of the Revolutionary patriots, *vox populi vox Dei*, but now the maxim is too antiquated to be regarded. I have been a disciple of the old school, which taught us to believe that all power belonged to the people; and have ever admired the beautiful fabric of this Western empire, because it was calculated to secure the exercise of this power to each State, while it delegated to the Federal Government a sufficient portion, to provide for the common safety, and secure the harmony of its several parts; but this harmony is now to be disturbed; this *magna charta* of our rights is to be broken; this fair fabric is to be shaken, to gratify the lust of power; and Congress, deriving all its authority from the States, is to prescribe to the States the limits of their Constitutional prerogative. I would not impeach the political sagacity of this body; but such is my confidence in the virtue and talents of the community, that, in my opinion, every ten miles square in the United States is as competent as the whole collected wisdom of the nation to frame a constitution. Competent or not, the people of Missouri have the right, and they must exercise it without any restriction which is not common to all the States. If you begin to prescribe restrictions, you may pursue the course without limitation or control. You may prescribe the qualifications of electors and candidates; the powers and organization of every branch of their government, till self-government is lost, and their liberty is but an empty name. The doctrine, sir, is alarming. But one security from its baleful influence is in the independence of the people. They will not submit. It is not the question whether the thing required is right or wrong in itself, but whether you have the right to impose it. The principle of taxation, or the amount levied, had no influence in bringing on the American Revolution; but the right of Parliament, in which the colonies had no representation, to impose the tax. They persisted, and a bloody war ensued; and the decision was in favor of that side where justice was.

I exhort to moderation and justice. Look at the starving poor in England. Hear the clanking chains of despotism throughout Europe, Asia, and Africa. The cries of oppression are heard in every region, and the cause of injured humanity rends every American bosom. But will our commiseration justify our interference? Shall we become a nation of knight-errants, and involve the country in war with all the rest of the world to establish free government in other quarters of the globe? We may pity other nations, but we have no right to intermeddle with their policies; and to attempt it would be the extreme of madness. Still more cautious should we be about intermeddling with the right of property and self-government in Missouri. In so doing, you will jeopardize the harmony of the Union, which may possibly ultimate in a civil war. Recollect, Greece was destroyed by division, and Rome by consolidation. Then let us be content with our inheritance, and profit by their example; lest, in our zeal to per-

form what we cannot accomplish, we one day become what Greece and Rome now are.

I will readily admit, sir, that the non-slaveholding States are composed of brave and virtuous citizens; but merit does not exclusively attach to them. We will not shrink from the comparison, whether we look at periods or principles—the Revolution, the late war; internal policy, Republican principles, moral character, or religious practice. The authors of this discussion are welcome to all the advantages they can derive from the comparison. There is no essential difference of character among all the different sections of this community. A general coincidence of sentiment strengthens their mutual attachments, which I trust the demon of discord will never be able to dissolve. Yes, sir, the Union is founded in the affections of the people, cemented by the blood of our fathers, endeared by common suffering, and secured by common interest. Future generations, remembering that their fathers mingled their blood in one common cause, and their ashes in one common urn, will still feel like brothers, when ambition shall have wasted its efforts; and the blessings of the Confederacy shall be long enjoyed, after oblivion shall have drawn a veil over the disturbers of its peace. The history of other nations is before us, and they should be marked as beacons of warning. Remember the unhappy record of the ten tribes of Israel, and the miserable consequences, whenever you contemplate the effects of local jealousies. Before we are aware, we are too apt to excite our own passions as well as others, and rush precipitately into measures which will leave us to regret our folly when it shall be too late to retract.

But another cause of complaint is recently brought to light. In the ratio of representation and direct taxation, three-fifths of the slaves are enumerated. The Constitution was framed by patriots of the Revolution; and the principles of that event were too deeply engraven upon their minds to suffer them to separate the ratio of representation from that of taxation; and, by mutual compromise, the ratio was settled by all the States as we now have it. But, in the organization of this branch of the Legislature, there is a total departure from this rule. Upon what principle does the little State of Delaware send two members to this body, and the great State of New York send no more? This also was settled upon a principle of compromise. It is, that State sovereignties may be here represented, and, in the Confederacy, the States are all equal. The Federal character is here preserved; and, in the other House, the Representative character. In one House, every State is equal; in the other, every individual; and none would wish it otherwise.

In what way, I would ask, is the just principle of representation violated, by taking three-fifths of the slaves into the calculation? The answer is given, because slaves have no political rights. And what political rights have the female and the minor? And how many free persons of full age are excluded from the exercise of the elective franchise in the different States? Yet all are taken into the enumeration as the basis for representa-

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tion. Why? Because they are also taken into the enumeration for taxation; so also are three-fifths of the slaves taken into the enumeration as the basis for taxation, and of course for representation. In the one case no complaint is made, but in the other injustice is urged. Every argument, true or false, must be brought to bear upon this subject; which, in the end, will effect nothing, and is, in fact, worse than nothing.

There is another article of the Constitution, which is thought to have some relation to this intended restriction. "Congress shall guaranty to each State a Republican form of government;" and here we have a controlling power. Suppose, then, you erect your standard of Republicanism, and revise the constitutions of the different States. Virginia requires a freehold qualification in the voter. Dictate to her better principles. Most of the other States require some property qualification. Change their constitutions, and proclaim annual elections and universal suffrage, such as we have in Kentucky, where every person is equal; and the beggar (if such a being can be found there) has as good a vote as the man of wealth. Attempt these things, and you will have enough to do; but you may accomplish it as easily, and upon as fair Constitutional ground, as the restriction upon Missouri. The fact is, we shall be better employed in confining ourselves to the great objects of the Confederacy, and leave every State to manage its own concerns.

Philosophers have said much upon the theory of colors, and especially upon the variety of complexion in the human species. It is contended by some that the black man, the red man, and the white man, originally sprang from different ancestors; by others, that all sprang from one common stock; and the last theory is supported by revelation. It is further believed, that the difference of color, from the slightest shade to the deepest black, is owing principally to climate, and the different degrees of heat to which they have been for many ages exposed. To whatever cause it may be owing, the difference does now exist; and it is as well known that a universal prejudice also exists as to the color of the African, which in a great measure deprives him of the blessings of freedom when emancipated. Till this prejudice is eradicated, or till the Ethiopian shall change his skin, his freedom is nominal in every part of the United States. If not, where is the black man of the North? Like the red man, he is nearly extinct. If your humanity has conquered your prejudice, till you know no color, where are your magistrates, your governors, your representatives, of the black population? You proclaim them equal, but you are still their lawgivers; we see none of them in the National Legislature, nor hear of them in your State governments. The prejudices which these distinctions of color create cannot be overcome in a moment, and we should contentedly wait that gradual change in the moral world—that slow but certain progress of improvement, which will one day give universal liberty to the race of Adam.

One insurmountable, I may say omnipotent barrier with us, against this sudden revolution, is, the

number of our slaves. It would produce convulsions and derangements, destructive to the morals and safety of the whole community. But liberty has charms, and so has music; but was there any thing captivating in Nero's harp while Rome was enveloped in flames? Let the safety of the commonwealth be first secured, and then extend the blessings of freedom as time shall prepare them to enjoy it, with advantage to themselves and tranquillity to the State.

The sages of our Revolution were not so conscientious as to make emancipation a *sine qua non* to a Union against British encroachments; nor did they ever think of interfering in the subject of slavery with the States. That was left with God and the consciences of those interested. Slaveholders and others could march under one standard in the common cause. Washington and Greene could move in perfect concert of action; Hancock and Jefferson could act in harmony of council, without one discordant passion on this account. Nor did the wise framers of the Constitution essay to give it the slightest touch. Even a part of the New England States voted against the power of Congress to check the importation of slaves for twenty years. But now, when all political animosities are subsiding, and every angry passion is sinking to rest, the golden apple must be thrown. Political power and personal aggrandizement must arise, and light the torch of discord among this happy, this virtuous, this affectionate people. Keep in mind the theory of our General Government. We have no original powers. We act as an agent would under a special power of attorney; and the Constitution is the charter by which we act. The powers delegated are there defined. Those not expressly delegated, are reserved to the States, or to the people. To transcend the powers prescribed by the Constitution, is to violate the rights of the States and of the people. Congress have no power delegated to them by the Constitution to impose a restriction like this upon any of the States; nor can it be pretended, unless by that kind of legerdemain construction which would make Congress omnipotent, and render the sovereignties a mere shadow, that this text book of the American statesman contains a single clause even hinting at the delegation of this power. The imposition of this restriction upon Missouri, then, would be a violation of the Constitution; and, however plausible the pretext, the principle is equally dangerous to the Union.

I have entertained doubts as to the wisdom of the organization of this body in the tenure of office. Six years I have thought too long; that the member did not feel sufficient responsibility to the elective principle. But, on this interesting occasion, I can see great evils, which we have it in our power more effectually to prevent, and thus give proof to the world that we are worthy of this trust. The examples of Greece, of Carthage, and of Rome show us the danger of being moved by a momentary excitement of popular passion; but, when time for sober reasoning shall have elapsed, the popular sentiment, the result of dispassionate deliberation, must prevail. This body is peculiarly

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formed for that deliberation; and when I behold around me those who have gone through the gradation of every office of honor and of trust—who have withstood every trial, and now bear upon their hoary heads the crown of honor—elected by their fellow-citizens to this station, I feel a confidence that they will sustain the cause of the Union. Then, when this excitement shall subside, the deliberate, settled sentiment of the people will justify your decision. But, should your determination to effect this restriction so completely overcome every consideration of right, that you deem it paramount to all constitution and compact, you will pay dearly for the object. Victory will be worse than a defeat. You will violate the plighted faith of the nation, under the sacred sanction of your own laws, which have heretofore held out an invitation to the citizens of every section of the country to embrace the advantages which this newly acquired wilderness promised. You will violate the solemn stipulations of the treaty by which this territory was gained. You will violate the Constitution of the United States, that sacred instrument which once had power to compose the jarring interests and passions of the nation; the offspring of our former suffering; the pledge of our future harmony; and the standing bulwark of our liberty and independence. You will alarm the fears and destroy the confidence of the States, by abridging their prerogatives and usurping their rights. You will check the progress of humanity, and strengthen the chains of the captive. You will prolong the time of slavery, and augment its evils. You will divide the sentiments and affections by hills and dales, by rivers and mountains, and by imaginary lines, drawn only for convenience, and not for hostility. You will excite to action every discordant passion of the soul; produce jargon, animosity, and strife, which may eventuate in murder and devastation. And shall I proceed to enumerate the crimes which belong to this black catalogue? The heart sickens, the tongue falters, and I forbear. Ponder well your doings; let wisdom and justice direct you; confine your measures to the legitimate object of the confederacy, and we are still a united and happy people.

When Mr. JOHNSON had concluded—

No other gentleman rising to speak, the question was taken on the restrictive amendment offered by Mr. ROBERTS, which is in the following words: "Provided, also, that the further introduction into the said State of persons to be held in slavery or involuntary servitude within the same shall be absolutely and irrevocably prohibited;" and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, King of New York, Lowrie, Mellen, Morrill, Noble, Otis, Roberts, Ruggles, Sanford, Taylor, Tichenor, Trimble, and Wilson—16.

NAYS—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lanman, Leake, Lloyd, Logan, Macon, Palmer, Parrott, Pinkney, Pleasants, Smith, Stokes, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—27.

WEDNESDAY, February 2.

Mr. DANA presented the petition of James Larkins, of the town of Durham, in the State of Connecticut, praying a pension; and the petition was read, and referred to the Committee on Pensions.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Benjamin Mortimer, of Connecticut, praying a pension, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. PARROTT presented the petition of Thomas Crawford, of Bridgewater, in the State of New Hampshire, praying a pension; and the petition was read, and referred to the Committee on Pensions.

Mr. VAN DYKE presented the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of the Government; and the memorial was read.

Mr. NOBLE presented the memorial of the Legislature of the State of Indiana, praying that no law may be passed changing the terms of sale of public lands, and representing the injurious effects that such a law would have upon the Western States; and the memorial was read, and referred to the Committee on Public Lands.

Mr. PINKNEY presented the memorial of the President and Board of Managers of the American Colonization Society, praying the aid of the Government and an act of incorporation; and the memorial was read.

The Senate resumed the consideration of the motions of the 1st instant, for instructing the Committee of Finance to inquire into the expediency of reviving the law making foreign gold coins a tender, and of providing by law for the payment of the Mississippi stock by the issue of Treasury notes; and agreed thereto.

MAINE AND MISSOURI.

The Senate then resumed the consideration of the Maine and Missouri bills.

Mr. BURRILL, of Rhode Island, moved to amend the fifth section of the amendment respecting Missouri, wherein it is provided, that the constitution, whenever formed, "shall be republican, and not repugnant to the Constitution of the United States," by adding to this provision the following clause: "nor to the three first articles of compact in the ordinance of the 13th of July, 1787, between the original States and the people and States of the territory northwest of the river Ohio."

The three articles of the ordinance of 1787 here referred to are as follow:

Art. 1. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Art. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evi-

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dent, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Art. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Mr. BURRILL followed his motion with a speech of considerable length in its support; after which, the subject was, on the motion of Mr. LOWRIE, postponed until to-morrow.

THURSDAY, February 3.

Mr. SANFORD, from the Committee of Finance, to whom the subject was referred, reported a bill for the relief of the President, Directors, and Company of the Merchants' Bank of Newport, in Rhode Island; and the bill was read, and passed to the second reading.

Mr. RUGGLES communicated the following resolutions of the State of Ohio, which were read:

"Whereas the existence of slavery in our country must be considered a national calamity, as well as a great moral and political evil; and whereas the admission of slavery within the new States or Territories of the United States is fraught with the most pernicious consequences, and calculated to endanger the peace and prosperity of our country; therefore,

Resolved, That our Senators and Representatives in Congress be requested to use their utmost exertions to prevent the admission or introduction of slavery into any of the Territories of the United States, or any new State that may hereafter be admitted into the Union."

Mr. NOBLE presented the petition of George Love, the only son and heir of Thomas Love, who was a surgeon in the Army of the United States during the Revolutionary war, praying compensation for his services; and the petition was read, and referred to the Committee of Claims.

Mr. WALKER, of Georgia, presented the memorial of W. C. Kausler, supercargo of the Danish Brig Nordberg, praying restitution of the amount of duties paid on the cargo of said brig, for reasons stated in the memorial; which was read, and referred to the Committee on Finance.

The Senate resumed the consideration of the

report of the Committee on Pensions, to whom was referred the petition of Benjamin Mortimer, of Connecticut, praying a pension; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's house, and the erection of two new Executive offices;" and no amendment having been made thereto, it was reported to the House, and it passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and, on motion by Mr. MELLE, the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States;" and the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to continue in force the act passed on the twentieth day of April, 1818, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, 1799,'" together with the amendment reported thereto, by the Committee on Finance; and, the amendment having been agreed to, the bill was reported to the House amended accordingly, and the amendment having been concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Anthony S. Delisle, Edward B. Dudley, and, John M. Van Cleef; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for altering the times for holding the court of the United States for the western district of Pennsylvania; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mark Richards; and the further consideration thereof was postponed until Wednesday next.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the heirs of Anthony Burk;" and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Jennings O'Bannon; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of United States infantry;" and the further consideration thereof was postponed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to remit the duties on a statue of GEORGE WASHINGTON; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed.

MAINE AND MISSOURI BILL.

The Senate resumed the consideration of this subject—Mr. BURRILL's motion (offered yesterday) still under consideration.

Mr. BURRILL withdrew his amendment for the purpose of allowing a different amendment to be offered; when, accordingly,

Mr. THOMAS, of Illinois, submitted the following additional section, as an amendment to the Missouri bill, (which, it was proposed, by a report of the Judiciary Committee, to incorporate with the Maine bill,) viz:

"And be it further enacted, That in all that tract of country ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof, as is included within the limits of the State contemplated by this act, there shall be neither slavery nor involuntary servitude otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided always, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

The amendment having been read, the further consideration of the subject was, on motion of Mr. THOMAS, postponed to Monday next.

MONDAY, February 7.

Mr. ROBERTS presented the memorial of George W. Jones, of the city of Philadelphia, praying to

be allowed the drawback on certain goods exported, as stated in the memorial; which was read, and referred to the Committee on Commerce and Manufactures.

The PRESIDENT communicated a report of the Commissioners of the Sinking Fund, detailing the measures which have been authorized by the board subsequent to the last report of the 5th of February, 1819; and the report was read.

The PRESIDENT also communicated the memorial of a company of Swiss settlers, communicating their desire of establishing in America a manufactory of *printed cottons*, and praying the encouragement of the Government, by the grant of a tract of land for the settlement of three or four thousand families; and the memorial was read, and referred to the Committee on Public Lands.

Mr. BURRILL presented the petition of Hugh Colhoun and others, proprietors of certain vessels and their cargoes unjustly sequestered and sold by the Swedish Government, praying the interposition of the Government of the United States; and the petition was read, and referred to the Committee on Foreign Relations.

Mr. DICKERSON presented the petition of a convention of the Friends of National Industry, assembled in the town of Paterson, from various parts of the State of New Jersey, to take into consideration the prostrate situation of manufactures, praying for relief and protection; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. WILSON, from the Committee of Claims, to whom was referred the memorial of Vincent Grant, of Buffalo, in the State of New York, made a report, accompanied by a bill for the relief of Vincent Grant; and the report and bill were read, and the bill passed to a second reading.

Mr. DANA presented the petition of Richard Wilcox, of Bristol, in the Kingdom of Great Britain, now residing in the United States, praying to be enabled to take out patents for certain inventions, as stated in the petition; which was read, and referred to the Committee on the Judiciary.

Mr. TAYLOR presented the memorial of the Legislature of the State of Indiana, respecting the boundary line between that State and the State of Illinois; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. JOHNSON, of Kentucky, presented the memorial of the representatives of the yearly meeting of Friends, held in Baltimore for the western shore of Maryland, and the adjacent parts of Pennsylvania and Virginia, respecting the Indians; and the memorial was read, and referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Kentucky, also presented the petition of Edward Baker, of Philadelphia, praying compensation for an improvement in gun locks; and the petition was read, and referred to the Committee on Military Affairs.

Mr. ELLIOT presented the petition of Andrew Low and Company, merchants, in the city of Savannah, in the State of Georgia, praying the remission of certain duties, and other relief, in consideration of the very great loss which they have

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sustained by the calamitous fire which has recently devastated the said city of Savannah and consumed their goods; and the petition was read, and referred to the Committee on Finance.

Mr. WALKER, of Georgia, presented the petition of John Tanner, merchant, of the city of Savannah, in the State of Georgia, praying the remission of certain duties due by him to the United States, being rendered unable to discharge the same in consequence of his losses in the late destructive conflagration in said city; and the petition was read, and referred to the same committee.

Mr. TRIMBLE presented the resolutions of the Legislature of the State of Ohio, on the subject of a continuation of the national road, from Wheeling, westward; and the resolutions were read.

Mr. JOHNSON, of Louisiana, presented the petition of Jacques Villere, and also the petition of B. and P. Jourdan, brothers, of the State of Louisiana, praying indemnification for losses sustained by them during the late war with Great Britain, by invasion of the enemy, as stated in the several petitions; which were read, and respectively referred to the Committee of Claims.

Mr. ROBERTS presented the memorial of William Tilghman, surviving executor of Anne Francis, deceased, who was executrix of Tench Francis, deceased, who held the office of Purveyor of Public Supplies, and in addition thereto acted as agent of the United States under appointments from the Departments of War, Navy, and Treasury, praying relief by the interposition of Congress in the settlement of said accounts; and the memorial was read, and referred to the last mentioned committee.

Mr. RUGGLES presented the petition of John H. Piatt, of Ohio, praying compensation for certain supplies furnished the Army of the United States, during the late war with Great Britain, and also the petition of a number of the inhabitants of Michigan, praying compensation for the destruction of their property during the late war, by the troops of the United States; and the petitions were severally read, and respectively referred to the same committee.

Mr. WALKER, of Georgia, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate any information he may possess (and of which the public interest does not, in his opinion, require concealment) relatively to the late treaty between the United States and Spain; whether the same has been yet ratified on the part of Spain. And particularly that he be requested to state whether any information has been received from the Court of Madrid since the date of his Message to Congress at the commencement of the present session. Whether he still expects a Minister from Spain; and at what period may his arrival be probably expected.

Mr. KING, of New York, presented the petition of Jacob Barker, of the city of New York, praying the interposition of Congress in the settlement of his accounts under his contracts of the 2d of May, 1814, with the Secretary of the Treasury, for a portion of the ten million loan, being part of

the twenty-five millions authorized by the act of the 24th of March, 1814; and the petition was read, and referred to the Secretary of the Treasury.

Mr. NOBLE presented the memorial of the Legislature of the State of Indiana, praying the extension of the time for payments of public lands; and the memorial was read, and referred to the Committee on Public Lands.

Mr. EDWARDS presented the petition of the citizens of the village of Cahokia, praying the confirmation of the title in fee simple estate of certain land laid off as a common of said village, whereon a town has been laid off, named "Illinois city;" and the petition was read, and referred to the same committee.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Bowie and Kurtz, and others; and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Samuel F. Hooker; and the further consideration thereof was postponed until Monday next.

The bill for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island, was read the second time.

The bill entitled "An act making appropriations to supply the deficiency in the appropriations heretofore made, for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's House, and the erection of two new Executive offices," was read a third time, and passed.

The bill to continue in force the act passed on the twentieth day of April, 1818, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, 1799,'" was read a third time, and passed.

The bill to remit the duties on the statue of GEORGE WASHINGTON was read a third time, and passed.

The bill for the relief of Jennings O'Bannon was read a third time; and, on motion by Mr. ROBERTS, was amended by unanimous consent, and passed.

Mr. TRIMBLE submitted the following motion for consideration:

Resolved, That a standing committee, to consist of five members, be appointed on Roads and Canals, with leave to report by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill for altering the times for holding the court of the United States for the western district of Pennsylvania; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill confirming Anthony Cavalier and Peter Petit, in their claim to a tract of land; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the heirs of Anthony Burk;" and no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed until Wednesday next.

MAINE AND MISSOURI.

The Senate then took up the Maine and Missouri bill; when

Mr. THOMAS, for the purpose of modifying or introducing it in another shape, withdrew the amendment which he offered on Thursday last; and then, on motion of Mr. SMITH, the bill was postponed until to-morrow.

TUESDAY, February 8.

The PRESIDENT communicated a report of the Secretary of the Navy containing an abstract of the expenditures on account of the contingent expenses of the Navy, during the fiscal year ending on the thirtieth September, 1819; and the report was read.

Mr. WILLIAMS, of Tennessee, submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of compensating Jacob Butler, of Tennessee, for the loss of a wagon and team employed in the public service during the late war.

Mr. WILSON, from the Committee of Claims, to whom was recommitted the petition of John Nicholls, reported a bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls; and the bill was read, and it passed to a second reading.

Mr. ROBERTS presented the memorial of the merchants of the city of Philadelphia, representing the evils arising from auction sales, and praying that duties may be levied thereon; and the memorial was read, and referred to the Committee on Finance.

Mr. LLOYD presented a memorial from the merchants and citizens of Philadelphia on the same subject; which was read, and referred to the same committee.

Mr. PINKNEY presented the memorial of the

merchants of Baltimore against the proposed measure of discontinuing credit on import duties and denying drawbacks on duties; and the memorial was read, and, on motion by Mr. PINKNEY, referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the memorial of Elihu Hall Bay, Theodore Gaillard, and Charles Roberts, praying to be confirmed in their title to certain tracts of land in the States of Louisiana and Alabama; and the memorial was read, and referred to a select committee to consider and report thereon by bill or otherwise; and Messrs. SMITH, BROWN, and WILLIAMS, of Mississippi, were appointed the committee.

Mr. SANFORD presented the petition of Joseph Potter of the city of New York, praying remuneration for losses sustained during the late war with Great Britain, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. MORRIS submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of so altering the post route between Dunstable and Piscataquog village, in Bedford, New Hampshire, that the mail may pass by Bedford meeting house.

On motion by Mr. DICKERSON, the Committee on Commerce and Manufactures, to whom was referred the memorial of Thomas Sheafe and others, citizens of Portsmouth, New Hampshire, were discharged from the further consideration thereof, and it was referred to the Committee on Foreign Relations to consider and report thereon.

The Senate resumed the consideration of the motion of the seventh instant, for information relative to the late treaty between the United States and Spain; and on motion by Mr. WALKER, of Georgia, it was ordered to lie on the table.

The Senate resumed the consideration of the motion of the seventh instant for the appointment of a standing Committee on Roads and Canals, and agreed thereto; and Messrs. KING, of New York, VAN DYKE, TRIMBLE, DICKERSON, and THOMAS, were appointed the committee.

On motion by Mr. VAN DYKE, the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, presented on the second instant, was referred to the said committee to consider and report thereon.

On motion by Mr. TRIMBLE, the resolutions of the Legislature of the State of Ohio, presented on the seventh instant, on the subject of a continuation of the national road from Wheeling westward, was referred to the same committee, to consider and report thereon.

On motion by Mr. WILLIAMS, of Mississippi, the Committee on Public Lands, to whom was referred the petition of J. R. Chadbourne and others, of the county of Washington, in the District of Maine, praying the aid of Government in making a certain road; and also the resolutions of the Legislature of the State of Illinois in relation to the continuation of the national road from Wheeling, were discharged from the further consideration

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thereof, respectively, and they were referred to the Committee on Roads and Canals, to consider and report thereon.

WEDNESDAY, February 9.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the petition of the heirs and executors of John O'Connor, deceased, made a report, accompanied by a bill for the relief of the legal representatives of John O'Connor, deceased; and the report and bill were read, and the bill passed to the second reading.

Mr. EATON, from the Committee on Pensions, to whom was referred the petition of Peter Larkins, praying that he may be placed on the invalid pension list, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his papers. The report and resolution were read.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act for the relief of Denton, Little, & Co., and of Harman Hendrick, of New York," reported the same without amendment.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Jonathan Crawford, of Bridgewater, in the State of New Hampshire, praying a pension, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. PARROTT presented the petition of Samuel Haley, of the Isles of Shoals, lying off the State or coast of New Hampshire, praying the aid of the Government in repairing the works which have been erected in forming a safe and commodious harbor on his island; and the petition was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the motion of the eighth instant, for directing the Committee on the Post Office and Post Roads to inquire into the expediency of altering a certain post route in New Hampshire, and agreed thereto.

The Senate resumed the consideration of the motion of the eighth instant, for instructing the Committee of Claims to inquire into the expediency of compensating Jacob Butler of Tennessee, for the loss of a wagon and team employed in the public service during the late war, and agreed thereto.

The bill for the relief of Vincent Grant was read a second time.

The bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls, was read the second time.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Bowie and Kurtz, and others; and the further consideration thereof was postponed until to-morrow.

Mr. WILSON, from the Committee on Pensions, to whom was referred the application of William G. Serviss, to be placed on the pension list, in consequence of his having been wounded while serving as a second lieutenant of United States

rangers, during the late war, made a report, accompanied by a resolution, that the applicant have leave to withdraw his papers. The report and resolution were read.

The bill entitled "An act for the relief of the heirs of Anthony Burk" was read a third time, and passed.

The engrossed bill for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef, was read a third time, and passed.

The engrossed bill for altering the times for holding the court of the United States for the western district of Pennsylvania was read a third time, and passed.

The engrossed bill confirming Anthony Cavalier and Peter Petit in their claim to a tract of land was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and the further consideration thereof was postponed until Thursday the 17th instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish an uniform system of bankruptcy throughout the United States; and, on motion by Mr. EATON, the further consideration thereof was postponed until Thursday the 17th instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mark Richards; and, on motion by Mr. ROBERTS, the further consideration thereof was postponed until the first Wednesday in March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

Mr. ROBERTS presented the petition of Benjamin Wells, late collector of taxes and direct duties in the State of Pennsylvania, praying that an act may be passed to authorize the accounting officers of the Treasury to audit and settle all his accounts according to equity and justice, and to pay him whatever balance may be found due, with interest thereon; and the petition was read, and referred to the Committee on Finance.

The Senate took up the bill making compensation for horses and other property lost, captured, or destroyed in the Seminole war; which was amended, on the motion of Mr. EATON, so as to extend its provisions to rangers as well as volunteers; and then the bill was postponed to Tuesday next.

MAINE AND MISSOURI BILL.

The Senate proceeded to the consideration of this bill; when—

Mr. KING, of New York, wishing to offer to the Senate his opinions on the Missouri subject, moved to postpone the bill until to-morrow; but a motion to postpone it to Friday prevailed, and it was postponed to that day accordingly, and the Senate then adjourned.

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THURSDAY, February 10.

Mr. HORSEY gave notice that, to-morrow, he should ask leave to bring in a bill to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose.

Mr. NOBLE presented the memorial of the Legislature of the State of Indiana, praying that Captain Bigger's company of rangers may receive the compensation to which they are entitled, for services rendered the United States; and the memorial was read, and referred to the Committee on Military Affairs.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Bowie and Kurtz, and others; and, in concurrence therewith, resolved, that a bill be reported appropriating — dollars for the relief of the petitioners.

On motion by Mr. ROBERTS, it was recommitted to the Committee of Claims, to report a bill accordingly.

The PRESIDENT communicated a resolution of the Legislature of the State of Mississippi, in relation to conflicting British land claims; and also a memorial of the same Legislature, praying further time to make payments for land purchased of the United States; which were severally read, and referred to the Committee on Public Lands.

The bill for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island, was read a third time, and passed.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Jonathan Crawford, of Bridgewater, in the State of New Hampshire, praying a pension; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Peter Larkins, praying that he may be placed on the invalid pension list.

On motion by Mr. DANA, it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the application of William G. Serviss to be placed on the pension list, in consequence of his having been wounded, while serving as a second lieutenant of United States' rangers, during the late war; and, in concurrence therewith, resolved that the applicant have leave to withdraw his papers.

The bill for the relief of the legal representatives of John O'Connor, deceased, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and, on motion by Mr. Mellen, the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William McDonold, administrator of James McDonold, deceased, late captain

in the Army of the United States;" and the same having been amended, it was reported to the House accordingly, and the amendment being concurred in, the bill was read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of United States infantry;" and the same having been amended, it was reported to the House accordingly, and the amendment being concurred in, the amendment was ordered to be engrossed and the bill read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act for the relief of Denton, Little, and Company, and of Harman Hendrick, of New York;" and, no amendment having been made thereto, it was reported to the House; and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Vincent Grant; and, on motion by Mr. ROBERTS, the further consideration thereof was postponed until this day two weeks.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls; and, on motion by Mr. ROBERTS, the further consideration thereof was postponed until this day two weeks.

FRIDAY, February 11.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Martha Youngs and others, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

On motion by Mr. WILLIAMS, of Mississippi, the Committee on Public Lands, to whom was referred the petition of Thomas H. Boyles, were discharged from the further consideration thereof, and it was referred to the Secretary of the Treasury.

Mr. HORSEY asked and obtained leave to bring in a bill to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose, and the bill was read, and passed to the second reading.

The bill entitled "An act for the relief of Denton, Little, and Company, and of Harman Hendrick, of New York," was read a third time, and passed.

MISSOURI QUESTION.

The Senate resumed the consideration of the Maine bill, and the amendment reported thereto by the Judiciary Committee (adding provisions for the formation of a State government in Missouri.)

Mr. KING, of New York, agreeably to the intimation which he gave on Wednesday, rose and addressed the Senate about two hours in support

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of the right and expediency of restricting the contemplated State of Missouri from permitting slavery therein; and then, on motion of Mr. SMITH, the subject was postponed to Monday; to which day the Senate adjourned.

MONDAY, February 14.

Mr. SANFORD presented two memorials, signed by a great number of the citizens of Pennsylvania, praying that the tariff may be revised in such a mode as to revive our drooping manufactures, and to afford effectual protection to the national industry; and also a memorial signed by a number of merchants and citizens of Philadelphia, praying that a duty may be imposed upon auction sales; and the memorials were severally read, and respectively referred to the Commerce on Commerce and Manufactures.

Mr. ROBERTS presented two memorials signed by a number of merchants and citizens of Philadelphia, representing the abuses of auction sales, and praying that a duty may be imposed thereon; and the memorials were severally read, and respectively referred to the same committee.

Mr. ROBERTS also presented the memorial of the Chamber of Commerce of the city of Philadelphia, expressing their sentiments upon some parts of the system of duties upon foreign imports, representing the evils which they suppose to exist, and praying the same may be remedied; and the memorial was read, and referred to the same committee.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for holding the district and circuit courts of the United States, for the district of Ohio, at Columbus, the seat of Government for said State.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, abstracts of the bonds or other securities given under the laws of the United States, by the collectors of the customs, receivers of public moneys for lands, and registers of public lands, paymasters in the Army and pursers in the Navy, who are now in office, or who have heretofore been in office, and whose accounts remain unsettled; together with a statement of such other facts, as, in his opinion, may tend to show the expediency or in expediency of so far altering the laws respecting such officers, that they may hereafter be appointed for limited periods, subject to removal as heretofore.

The bill to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose, was read the second time, and referred to the Committee on the District of Columbia.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Noah Brown and others; and the further consideration thereof was postponed until Thursday next.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of James Wood; and, on motion by Mr. ELLIOT, it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Samuel F. Hooker; and the further consideration thereof was postponed until Monday next.

MISSOURI QUESTION.

The Senate then again proceeded, in Committee of the Whole, Mr. DICKERSON in the Chair, to the consideration of the Missouri question.

Mr. SMITH, of South Carolina, said, after this question had undergone near five weeks' discussion, in which he had received the kind indulgence of the Senate, not only in being heard frequently on the question of order, but a patient hearing on the main question of restriction, it might require some apology in attempting to be heard again. He could not calculate on entertaining the Senate, or that fair audience; but, whatever disadvantage he might encounter, he should feel it his bounden duty to repel, as far as he was able, the very strange and very novel arguments of the honorable gentleman from New York, (Mr. KING,) who had last spoken on this question; arguments, sir, pregnant with mischief—arguments which had astonished every hearer, and which must lead to a dissolution of this Government, if persisted in.

The gentleman's first efforts were to defeat the junction of the two States in the same bill. He said "this junction is unnecessary, and must be intended to operate in another quarter. It was unfair and unusual, and intended to coerce men to vote against their conscience." And he has likewise said, "it will cover the men who yield to it, with the extreme contempt of those who offer it."

Mr. S. said he had once hoped that he had satisfied gentlemen, by parliamentary authorities, that it was not only usual and convenient, to join in the same bill all subjects of the same class and purport, but that it was perfectly fair to do so. He would mention two cases of this sort, which had occurred in Congress two years ago. One was a bill which originated in the Senate to raise the salary of the Heads of Departments. It went to the House of Representatives, and there they amended it by adding a clause to raise the salaries of the Judges of the Supreme Court. It returned to the Senate in this shape, and was there supported by that very gentleman, both by his arguments and vote. Mr. S., himself, and another gentleman of the Senate, added another amendment to increase the salary of the district judges, a useful set of judicial officers, who were left to starve; and all these amendments, with the original bill, passed the Senate, and were lost in the other House. The other was an act from the House of Representatives, "fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives." After this had received three readings in the House of Representatives, and had

passed, the gentleman from Pennsylvania, (Mr. ROBERTS,) who also is opposed to the amendment before the Senate, offered an amendment to increase the compensation of the Librarian five hundred dollars; it was received, and passed both Houses, and became a law; which law, with all its amendments, he then held in his hand. All the gentlemen who were then in the Senate, and now oppose the junction of Maine and Missouri in the same bill, voted for the bills he had stated. Where were gentlemen's consciences then?

But, Mr. President, why should gentlemen who vote for this junction be contemned? It is not a question before the Senate on which every gentleman is left to exercise his opinion as to him may seem fit? He should himself esteem a gentleman who voted against the current of popular clamor, for taking such dignified and independent ground.

The gentleman from New York had raised to himself another strange doubt. He said "he did not know how Missouri could be admitted without a census first taken by the authority of Congress." Mr. S. said he had already laid before the Senate an authenticated census taken under the authority of the legislature of the territory, giving a detailed statement of every description of persons, to the amount of fifty-two thousand; and also, such evidence as ought not to be doubted, that there were ten thousand more not within the census taken, but were within the territory; amounting, in the whole number, to a population of 62,000. He had also laid before the Senate, at that time, an authenticated copy of a map, made from an actual survey, ordered by the Government of the United States, which gave the precise limits and extent of this territory. From this census, and this map, it was clearly proved that the population was greater, and the territory less, than that of almost any territory heretofore admitted into the Union.

When Illinois was admitted, it was on the doubtful evidence of forty thousand of a population. He would read the memorial, upon which that State was admitted, as far as respected the amount of population. It was as follows:

"Within the boundaries of this territory, there are, in the opinion of your memorialists, not less than forty thousand souls."

This is all the evidence you had before you, when you admitted Illinois. Did the Western and Southern members require a survey of this territory, or a census of the population before they consented to the admission of that State? Did the honorable gentleman from New York ever think of such a thing when he voted for the admission of Illinois? No sir; not a member of the Senate ever dreamed of asking for a census or survey. Such a thing was unprecedented, and not heard of until Missouri came before you. The gentleman had asked, "why gentlemen did not object to the admission of Ohio, Indiana and Illinois?" And says, "have they more solicitude to protect these foreigners, than those who shed their blood?"

This gentleman seems to have forgotten, that these States were left to form such constitution as they might think proper for themselves; and, be-

cause we did not wish to force a constitution on them, it is attributed to a want of candor. When we manifest a magnanimity, we are reproached. He wished the gentleman and his associates would but manifest the same magnanimity towards Missouri. The gentleman had said, "we may be called on to pay taxes according to our military strength."

If a gentleman who never had read the Constitution had used this argument to the Senate of the United States, there might have been some apology for him. The gentleman could not have forgotten that the Constitution had established it, that Representatives and direct taxes shall be apportioned according to numbers, and that it requires two-thirds of the members of Congress to recommend an amendment to the Constitution, which must be amended before any change in the mode of taxation can obtain. He has declared we cannot acquire territory by purchase. His language is, "we can only obtain territory by the voluntary application of foreign States to be received into the Union, or by the sword."

How the gentleman came at the distinction, it was difficult to ascertain. He had offered no rule for it himself. It was a naked declaration, at war with the express provisions of the Constitution itself, and one which the gentleman knew could not be maintained. He would ask him how we claimed Moose Island? The British title to it was clearly better than ours; yet we held it in exchange for Grand Menan, under the provisions of the Treaty of Ghent. He would present to the gentleman another case, which fully met his own approbation. It was the treaty with Spain, of last year, by which we were to acquire the Floridas. That treaty was referred to the Committee on Foreign Relations; that gentleman was one of the committee which reported in favor of it, and it was ratified the next day after it was presented to the Senate, by more than two-thirds. It was a unanimous vote; and that gentleman was one. Has this escaped him so soon?

The right of the citizens of the United States to fish on the banks of Newfoundland has been extended by the late convention between the United States and Great Britain; and the gentleman was the only member of the Senate who had any objections to it, and they were founded solely on the ground that the United States had not acquired enough. What said the Southern and Western members on that occasion? They asked the New England members, for whose sole benefit the cession was made, what they wished? And being told they were satisfied, there was not a dissenting voice. Mr. S. had the gentleman in his eye (Mr. OTIS) whom he consulted, and who told him the New England States had acquired all they wanted. But it is to be recollected all these cases were such as the gentleman from New York thought good bargains. They were such as he wished; therefore he could find a third ground for acquiring them. Missouri not being within the same reason, could not be acquired the same way.

Were gentlemen, who profess to be statesmen, now to learn that the United States could acquire

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territory by treaty? The gentleman from New York had admitted that he did not know it. He would inform him how it could be done. The Constitution had vested in the President and Senate full and ample powers to negotiate treaties. Upon this subject they have no control. Treaties, when made, are declared to be the supreme law of the land. They are put on the same high ground of the Constitution itself. Under this authority Louisiana, entire, was acquired by the United States. A part of that territory was formed into a State and admitted into the Union, without any restriction, although it contained about forty thousand slaves, which was half the amount of its population. He would prove this from the gentleman's own statements. When this very question was before the Senate, last session, he made two speeches; those speeches he had published himself, for the information of the public. In that publication, which he would beg leave to read, was the following statement:

"When the United States took possession of the province of Louisiana, in 1804, it was estimated to contain 50,000 white inhabitants, 40,000 slaves, and 2,000 free people of color. More than four-fifths of the whites, and all the slaves, except about 1,300, inhabited New Orleans and the adjacent territory."

In answering the arguments of the gentleman, it was perfectly fair to array against him his own arguments, lately delivered on the same subject, in which he held a different policy. His palliation for admitting the State of Louisiana without the restriction of slavery, Mr. S. read from the two speeches, in the words following:

"The habits of the people, and the number of the slaves by whom the labor of the territory of New Orleans was performed, were doubtless the reason for the omission of an article in the act of admission by which slavery should be excluded from the new State."

When you admitted Louisiana, the same policy ought to have governed which is asked for Missouri, if it was a correct policy; if it was otherwise, it is improper to apply it to Missouri. Will the Congress, which has heretofore been so distinguished for its rectitude, yield itself a willing instrument to this flexible policy and convenient morality? Our policy was pliant enough when we obtained Moose Island—it was very yielding when more fishing banks were wanted. It was necessary to suit it to the temper and circumstances of the people of New Orleans, when they asked to become a State. That was a large seaport trading city, and worthy the attention of New York. When the Floridas were obtained by treaty, under the precise stipulations contained in the treaty under which we obtained Louisiana, the gentleman's policy and morality were brought to fit the times exactly. But when Missouri applies for admission, the right awarded to her elder sister to come in by the peaceful mode of purchase is positively denied her. She must come in by the sword. Her front must be stained with blood. Could that gentleman expect his talents and high reputation would enable him to impose this incoherent logic upon the Senate of the United States? If he did not, then, in the language of the gentle-

man himself, "it would seem as if these arguments were intended to look to some other quarter."

Whilst we are pressing for our Constitutional rights, gentlemen appear to think we are asking the privilege of extending the slave trade, or the privilege of keeping what we have. He could himself appeal to the Senate for the constant course he had pursued in regard to the foreign slave trade. He had uniformly given his approbation to the most rigorous measures to prevent it. He had done so, because the Constitutional laws of his country forbade it. And were it now an original question, if there were no slaves in the United States, whether we should begin the importation to stock this country with the African race, he supposed no American would consent to such a traffic. But they were here—they had grown up with us, and with our Constitution—and were incorporated with it. What can we do with them, as we now find them in the United States? The wisest could not tell. Many projects were on foot, which would all prove abortive. The whole wealth of the nation is not adequate to any purpose that has, or may be devised. The gentleman from New York, in the plenitude of his mind, has given us a plan. He has said, "it is now time that slaves should be attached to the soil, as a means of leading to emancipation, and enabling us to get rid of them by colonization."

That gentleman had obtained the reputation of an accomplished orator, a man of science, an eminent statesman; had represented his Government at a foreign Court, and had taken an active part in forming this very Constitution. And could he conceive the plan he proposed was founded on Constitutional principles? He knew the question was a Constitutional one; and therefore he, Mr. S., would ask him, if any such theory had been agitated in the Convention which formed that Constitution—that, after 1808, all slaves should be confined to the soil? He should like to hear the gentleman give a history to that effect, if such a thing was contemplated or spoken of in the Convention. No, sir, such a proposition would have dissolved your Convention, and have left your Government where it was. Then does he expect to set up his opinion as Constitutional law? Sir, the State of New York, which the gentleman represents, has just got rid of her slaves. After doing so, their first object was to bring about a general emancipation. If they succeeded, their great object was accomplished; if they failed, they lost nothing. With us, not only our interest but our happiness is deeply concerned; with them it is only a matter of cold calculation. It is very easy for those who have their fortunes secured in bank stock, or stock of the United States, or money at interest, or money in their coffers, deliberately to proclaim a jubilee to our slaves, in which they have neither interest to lose nor danger to fear. The gentleman knew excitements, far short of what he had uttered in the Senate, had given rise to the insurrection in St. Domingo, that produced horrors at which he ought to shudder.

Sir, that gentleman (Mr. KING) has sported with this subject; he seemed to think that he was at

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liberty to maintain what principles he pleased, and change them when he pleased. He had entirely discarded the Constitution in his arguments now delivered to the Senate. In his speeches, which he delivered to the Senate last session, and which he had corrected and republished, after a Summer's reflection, he had paid some respect to the Constitution. He then believed slavery in the United States was completely secured by the Constitution. [Here Mr. S. read from the speeches the following, in proof of that gentleman's opinion:]

"The question respecting slavery in the old thirteen States had been decided and settled before the adoption of the Constitution, which grants no power to Congress to interfere with, or to change what had been so previously settled; the slave States, therefore, are free to continue or to abolish slavery."

Will the gentleman compare this Constitutional opinion of his own, with the theory of confining slaves to the soil, and tell us how he intends to reconcile the one with the other? This, however, is the last glimpse which he appears to have had of that sacred instrument—the Constitution. It was too limited for his expanded mind. He had wandered into the delusive field of fancy, in search of a system better suited to his purpose. After laying the Constitution out of the question, he had made an appeal to the Senate of a strange character. It was in the following words:

"These are foreign men, of foreign manners, and a foreign land; and will you give to them what you would not give to those who inhabit the land purchased with the blood of their fathers?"

Mr. President, this is a tone unheard in this Senate. What, sir, when you have purchased these foreigners, as you would an ox or a horse in the market, and without their knowledge or consent—and, when you have stipulated by solemn treaty to provide for them as you would for your own children, is this the only consolation an American Senator is willing to minister to their humble and degraded condition? In his (Mr. King's) two speeches, published for public information, he has himself stated, "there were but ten thousand whites and thirteen hundred slaves in both the Territories of Missouri and Arkansas." Half these would be but a small portion of the sixty thousand which are there now. He has certainly forgotten this statement in his first speech. He could assure the gentleman that most of the population of Missouri were Americans; and they and their fathers had shed as much blood for this country as the citizens of New York. Among them were, also, men of as fine talents and as pure patriotism as ever graced that Senate.

But, if it were otherwise, how can he reconcile this policy with that pursued towards the State of Louisiana? He had stated, in these same published speeches, that there were forty thousand whites, and nearly as many slaves, in that State when admitted into the Union. This population, too, was a mixture of many nations—English, Irish, French, and Spaniards. Yet the kind and beneficent hand of this Government was extended to promote their comfort and their prosperity. Nor were they denied what you wish to withhold from

Missouri—the right of forming their own constitution.

Why, sir, did the sages of our Revolution complain, in the Declaration of Independence, that the naturalization of foreigners had been obstructed? And why did the Convention, which formed your Constitution, of which that gentleman was one, take such care to provide for the naturalization of foreigners? And why have you naturalized so many, if it is the true policy of this country to treat foreigners with such contemptuous distinction? Sir, it has always been the policy of your Government to receive foreigners into its bosom, and to cherish and protect them. It has been the pride and the boast of your country, that it held out an asylum to the oppressed of every nation and every clime. There is a foreigner, who but the other day fled from his own country, now cherished in the city of New York; and who had acted on a committee for the purpose of exciting the people, if not to insurrection, at least against the admission of Missouri into the Union. The gentleman had certainly forgotten both his own vote and his own arguments in favor of the French emigrants, to whom, three years ago, he had given ninety-two thousand acres of the best lands in the State of Alabama. When did he give any thing to the gallant and brave sons of our own country, who shed their blood to purchase that very French settlement? If you are to protect foreigners only when they subserve your purposes, and are useful instruments for your projects, that magnanimity for which our country has been so signalized, must dwindle into contempt and scorn.

Heretofore, whenever the subject of slavery has been mentioned in the Senate, that gentleman has been among the first to disavow any intention of interfering with those already in our country. He has constantly admitted the right was constitutionally vested, and could not be touched. But, sir, this has been only a temporizing policy to delay this question till the decisive moment, when he could throw off the veil and manifest his purpose. Although that purpose is one at which the mind of every friend to his country must recoil, yet we are indebted to the gentleman for his candor in this open avowal, because it enabled us to meet it in fair combat. Forgetting every other argument, Constitutional, political, or religious, he has given us his final creed in these words:

"The extension of slavery beyond the old thirteen United States was a violation of the compact. It abridged the political power of the non-slaveholding States. The admission of Louisiana itself made a new confederacy or compact; and if the attempt to extend slavery beyond the Mississippi succeeded, the people of the North ought not to submit for any interest whatever. That no interest ought to be put in competition with political power; if it was, as one of the original parties to the compact, he felt himself in honor bound not to submit. And now, Mr. President, I approach a very delicate subject. I regret the occasion that renders it necessary for me to speak of it, because it may give offence where none is intended. But my purpose is fixed. Mr. President, I have yet to learn that one man can make a slave of another. If one man cannot do so, no number of individuals can

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have any better right to do it. And I hold that all laws or compacts imposing any such a condition upon any human being, are absolutely void, because contrary to the law of nature, which is the law of God, by which he makes his ways known to man, and is paramount to all human control."

Sir, the gentleman struggled with himself, and paused long before he could give vent to principles so repugnant to the peace, the harmony, and the future happiness of this nation. Would he had paused longer still. Mr. S. said, he had hoped religion, as far as it was concerned in the discussion of this subject, would have been left to him, and his honorable friend from New Hampshire, (Mr. MORRIL.) They were most conversant, he believed, with the affairs of the holy church. It was true they did not precisely agree. He thought the holy Bible, as it was given to us, was the rule of our religion. His friend appeared willing to adopt it also, except that he wished to repeal some parts of it, and adapt it more to his own views of good policy and convenience. But, sir, the gentleman from New York had put an end to this little contest about the religion of the Bible, by presenting to your acceptance the religion of nature.

This religion of nature, and the application of it, which the gentleman has recommended for your consideration, is the very system which gave rise to that state of things which so lately convulsed Europe to its centre. This was the religion preached up in the French Convention in the days of Robespierre. They, like the gentleman from New York, were not bound by written systems. They were too limited for the great projects of revolution. They presented in their gallery the Goddess of Liberty, dressed in transparencies; put on the cap of liberty; sung *Ca Ira*; declared the laws of nature to be the laws of God and of religion, by which all men were born free and equal. This theory intoxicated the nation, and the reform in their government, which was their great object, was lost in the designs of aspiring ambition; and the fairest portion of that nation was sacrificed on its altar. Robespierre paved his way with blood, until the nation sickened at the sight. In the midst of those scenes of horror and dismay, Napoleon, for the pious purpose of securing the liberty, and promoting the tranquillity of the nation, assumed the reins of government, and in his career would have prostrated all Europe, if all Europe had not combined to prostrate him.

Mr. President, your government is verging to this peril. The public mind is said to be inflamed to a very high degree; not less so than that of the French nation when Robespierre gave tone to its public councils. When this shall have increased a little more, we, sir, shall have nothing to do but present the Goddess of Liberty in our gallery; put on the cap of liberty; sing *Ca Ira*; throw aside your Constitution; declare that all men are free and equal, and that we have no religion but the religion of nature: when your Government will be prepared to commence the same scenes of blood and carnage which desolated France. In the progress of this mighty work, a Robespierre will be at hand to give it a character, until your

country shall be drenched in blood; then some kind Napoleon will be ready to take the reins of government, still the tumult, and give you peace and security, under some other form of government, a little more energetic.

To illustrate his universal proposition, the gentleman had recourse to a maxim of the Romans. "*Omnes homines liberi nascebantur.*" He says, "the Roman Senate exclaimed that all men were born free." The Romans, sir, not only tolerated the slavery of foreigners, of which they owned, and were accustomed to sell, ten thousand and fifty thousand at a time, but, during their most enlightened period, the Roman Senate passed a decree to enable any Roman citizen to sell himself a slave for life. It was not until intrigue, ambition, and a thirst for power predominated in the Roman Senate, that they declared all men were born free. When the Roman Senate forgot their virtue, and aspired to power, they incited the slaves and the people to insurrection, to put down their rivals and elevate themselves. Their love of liberty was not for the sake of giving freedom to slaves, but to place themselves in the empire. If Rome had had worlds for all her Cæsars, or empires for all her ambitious Senators, she might still have survived the wreck, and yet have been an empire herself.

If, sir, your Government too had worlds for all her Cæsars, and empires for all her ambitious Senators, it would not be the condition of your black slaves that could dissolve this Union. This universal law of nature and religion absolves us from all obligations. Through it we view man as he ought to be, not as he is. It is the philosophy of the schools, and has been the successful instrument in the hands of ambition to root up empires and leave poor human nature what it was. One statesman here and there may take nature for his guide, but no nation that ever existed is susceptible of such refinement. No human efforts can ever abolish slavery: they may vary its form, but can never terminate it, until our frail nature shall be regenerated. There has not been a period since the flood in which slavery did not prevail in every country known to man. It prevailed in the deserts of Arabia, and it prevailed in Imperial Rome; it prevailed amongst the pagans and amongst the Christians. There was a short cessation in some few countries after the memorable crusade of the holy land. So may another cessation succeed the crusade now preparing for your own country, but it will be only momentary. It may last till the new tyrant gets seated on his throne, but no longer.

New York had great solicitude on this subject. Whilst we are inquiring into the constitutionality of it, the honorable Senator from that State has come out with his law of nature. At the same time, an honorable Representative from the same State had submitted, in the House of Representatives, a resolution for a general emancipation. Was this the mode in which our Northern friends intended to manifest their moderation? Was this the fraternal embrace which should press us to their bosoms?

The gentleman (Mr. KING) speaks of the bal-

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ance of power. He thinks, if you admit Missouri without restriction, it will take the balance of power from the non-slaveholding States, (as he is pleased to call them,) which, he says, they ought not to give up for any interest whatever. When the Constitution was formed, the part which apportioned the balance of power also apportioned the taxes. The Government then wanted money, and there were no objections to give a slave representation to secure the taxes. This regulation of Representatives and direct taxes was a Northern invention entirely; and if the gentleman would look into the journals of the Convention, he would find that he had taken a conspicuous part in it himself. When this source of revenue is no longer necessary, the tune is turned, and the cry is for political power. They want more Presidential votes. This was the ground made by that gentleman last session—that the slave population gave us twenty Presidential votes. He will find that in his written speeches.

Sir, they already have an overwhelming preponderance of Presidential votes. Their number is one hundred and four to seventy-six, from representation, and an equal number in the Senate; but the misfortune is, they do not all subscribe to the same political principles; and it is necessary to look for some other source of union. Not long since, at the approach of a Presidential election, for which New York offered her candidates, the public papers of that State announced to the world, that "the voice of the great State of New York would be heard."

Mr. President, the Southern and Western States have not divided the Government among themselves. No State amongst them had yet given a President or Vice President, except Virginia. Massachusetts had had her President and two Vice Presidents. New York, it was true, had not held the highest seat in the synagogue, but had given us three Vice Presidents. If this was a question of power, the share they had enjoyed already might satisfy an ordinary ambition. The people of the United States had not yet adopted the principle of some of the ancients, to elect for their chief the tallest man, or the largest man, or the man who could shoot best; nor the man from the largest State, or the State that could give most Presidential votes; but hitherto had elected the man of the greatest wisdom, who associated with it those political principles best adapted to the genius and interest of our Republican Government, without any regard to his local residence, or his own supposed merit. In the new career which the gentleman from New York (Mr KING) had run, he had taken another ground which had excited no little surprise, and one not less dangerous than any in his catalogue. It was the following: He said, "Upon this great question, we ought to have a due regard to the feelings here, and to the excitement elsewhere." To this he added, "if you give this indulgence to Missouri, the people of this country will not."

The gentleman spoke this in a manner a little more peculiar than ordinary. It would seem as if he expected this foreign excitement ought to have

some influence on the Senate. He (Mr. SMITH) had on a former day given his opinion on this foreign excitement; he would now notice it again, as it had come from a statesman of high standing. Mr. S. said he had a pleasure in avowing, that he believed the American people had as much political honesty, as much virtue, and as much patriotism, as any people in the world, and were as ready to correct a political error; but they were easily misled. Because they were honest themselves, they thought everybody else so. They had their rights; but they had, by their own Constitution, delegated their right of legislation to the Congress alone. Why, then, are we so often told of the excitement of the people? Do their members want this auxiliary aid? Or does the honorable gentleman from New York expect to open a campaign around the Capitol, and bring here the sovereign people to vote by the brandishing of arms, as the Goths and Vandals were accustomed to do; destroy the delegated powers, and enter again into a pure democracy? No, sir, that gentleman knows too well the danger of such an experiment. Does he mention it, then, to awe your deliberations? If he did, sir, his purpose was vain. Mr. S. had himself a high regard for public opinion, and would always pay it due homage: but he knew the ground on which he stood, and would never bow to public menace.

Mr. S. said, as several gentlemen, and especially the gentleman from New York, had spoken of the excitement of the people, if these excited people would suffer him to approach them, he would speak to them himself. He would say—You, the people of the Eastern and Northern States, have been taught to believe we are hostile to your interest and happiness, and that the time had now arrived when the South and West ought to give up the Government, and let you share the public honors. He would ask then, what injuries have we done you? Or what benefits have we deprived you of? When you complained that Great Britain refused to admit you to share in carrying plaster from Nova Scotia, we joined you, and passed a law to prohibit the plaster altogether until you should be permitted to carry also. The same evil existed in the West Indies, and we passed another law for your exclusive benefit, that your ships and your seamen might be employed. The Southern and Western people had no interest in either of these laws, but are great losers by them. What have you done for us? Not a single thing, except that you are now endeavoring to disturb our internal peace.

You, the people are told, by men of high standing, you hold in your hands the supreme power. But these gentlemen have not told you they do not intend you shall use this power, unless when it is necessary to make use of you as instruments to overturn your Government. Turn your eyes to the French Revolution, and you will behold a deplorable example. The French people were told they were sovereign, by those who were looking at the Throne. That sovereign people were arrayed in battle against one another, until the most dreadful scenes of blood and carnage ensued. By

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this time, those who intended to profit by this game were trying to get rid of the sovereign people, and they were sent off to war in Egypt. A counter-revolution succeeded, and the sovereign people were still chanted until they became troublesome, when they were dispersed at the mouth of the cannon. And here the sovereignty of the people ended, and the Government became despotic.

Upon this very sovereignty of the people that despotism was founded which knew no control. The whole nation was at the nod of one man, who were sent at his caprice throughout all Europe to fight the battles of mad ambition, until that powerful nation had nobody left but boys and aged men. Havoc spread itself over one quarter of the globe, until its fields were crimsoned with the blood and whitened with the bones of the sovereign people. France herself has been obliged to return and settle down under the same monarchy which had governed her for ages; to repair her population, and raise up another sovereign people. And what has been the fate of Europe? Why, after a carnage of twenty-five years, unexampled in the history of the world, the sovereign people are faster bound in the cords of despotism than ever.

Look into the distant ages of antiquity, and you every where find the same thing. The people, who are the strength and ornament of a nation, are always sovereign until the tyrant is ready to grasp the sceptre; then they sink to vassals, and bow in homage at the despot's foot. By their fiat empires after empires have been swept from the face of the earth, and not a wreck left behind; if any, it was only one of misery and wretchedness; and from no other cause but the gentle whispers of ambition that they held the supreme power. You, the excited people of the North and East, before you determine to shed that blood which never offended you, and put to hazard the prosperity and happiness of your country, inquire who is to rule after a civil war shall end? The gentleman from New York has frequently spoken of the blood which our fathers shed. It here and there bedewed a little spot. It was a war for our freedom against a foreign enemy. The war which is now waging for you is one among ourselves. Civil wars are profuse in blood. They originate from causes which cannot be appeased without it—the jealousies and rivalries of wicked men. It was felt among the sons of Adam: Cain slew his innocent brother, because he himself could not obtain that eminence his ambition pointed to.

Mr. S. said he would here leave the people, and would pay his respects once more to the gentleman from New York (Mr. KING.) To illustrate his proposition for restricting Missouri, he had mentioned for our information the famous case of Somerset, decided in England. Mr. President, this Somerset was a black slave, landed in England, and upon a question made before Lord Mansfield, he decided that Somerset was a free man. For, said he, the moment he landed in England, the obligation to serve his master was cancelled, because the air of England was too pure for slavery to breathe in.

We had heard so much of English liberty, and

the reproaches to which we were subject from Europeans for tolerating slavery among us, that he would inquire whether the Europeans were entirely free from reproach themselves. Were we to take the case of Somerset alone, as the gentleman had done, we might reasonably suppose that England was the great champion of civil liberty. But look at the immemorial practice of the press-gangs, who sweep off hundreds of the poor of a night—dragged from their starving families, and thrust aboard their ships of war. Look at their West India Islands; they are as full of African slaves as they can hold. They had imported them as long as they could find a spot to set their feet on.

If their own subjects peaceably assembled to devise means for a constitutional reform, the military are ordered out, and they are butchered and trampled down like so many wild beasts. The late scene at Manchester is a memorable instance. The Prince Regent, in his speech to Parliament, calls this effort of his subjects for a constitutional reform, "treason and impiety;" and says, "it is 'from the cultivation of the principles of religion, and from a just subordination to lawful authority, that we can alone expect the continuance of that Divine favor and protection which have hitherto been so signally experienced by the kingdom.'"

We know the religion of that Prince is exemplary. We know it has been the policy of that nation over which he rules to style itself the bulwark of religion and of civil liberty. They go together; and whilst he is binding closer the fetters of slavery on his subjects at home, he is endeavoring, by his and our pious missionaries, to fix the yoke of slavery on all Asia. He had already subjugated more than seventy millions of that unhappy people, and was still extending his conquests by every artifice. If the people resist they are treated as rebels. The wretches are excited to disaffection, and are subjected to the gibbet, as a means of easier conquest. A faint picture of their condition is seen in the following London account:

"LONDON, Nov. 23.—According to advices lately received from China, through Mr. Milne, of the London Missionary Society, a general agitation throughout that vast empire threatens to destroy the most ancient Government in the world. Secret societies are said to be established throughout China, which a formidable severity has been unable to suppress. In the single province of Canton, one hundred and fifty persons per month have, for some time past, perished under the hands of the executioner."

The Bible, which some of our friends tells us was made only for the Jews, and which the gentleman from New York had laid aside, to give way to the laws of nature, was in China, by the authority of the English Government, translated into every language in that extensive empire; and however ignorant of its benign character, they are obliged to adopt it as their creed. It is denounced in this Senate as not suited to the policy of our times; England has sent it to China to pave the way to conquest. It has become like old goods; when unfashionable in one market, it is transported

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to another, to meet new admirers. What God gave to man as the rule of his morality and religion, has in all nations, in this shape or that, been converted into the means of his oppression and degradation.

Mr. S. said he had intended to avoid any remarks on the policy or religion of any other country; but it had been forced on him by the constant allusions of gentlemen in the Senate, in their arguments against slavery. It is, we are told, considered in Europe as a blot on our national character; and, to us, their reproaches are very painful. His friend from Massachusetts, (Mr. OTIS,) whom he delighted to honor, had made a broad appeal. He had asked, "what he should do if he should travel into England, France, or Spain?" He says, in answer to himself, "he should be told he had come from a land of tyrants instead of a land of liberty; his country was a land of oppression, 'fabricating manacles and chains for slaves!'" His friend from Virginia (Mr. BARBOUR) had given the gentleman a sufficient passport already, to secure his comfort beyond the Atlantic; but he would himself help him to further credentials. For France he could not; there the gentleman must depend upon his own accomplished manners. In all the slave trade which had been carried on by the shipping of the British, Spanish, Portuguese, and of our own Northern and Eastern States, and which they were all now carrying on with a high hand, in the West Indies, and every other port in the world, where they could be received, France had no share. Industry, tranquillity, and the pursuit of happiness, seemed now to govern her, under the administration of a mild monarchy, without invading the happiness of other nations. And since the struggle for power amongst her demagogues had ceased, she was happy. But if the gentleman should visit Spain, nothing could give him a kinder reception than a cargo of African slaves. Spain had lately sold out her right of importation to Great Britain; therefore, he had no doubt, if the gentleman would sail in one of the New England ships now engaged in the slave trade, with a good cargo of slaves, he might pass himself as a true Catholic.

Mr. President, there is Naples, which forms not only a little spot on this globe, but a mere speck among neighboring nations, has been making her peace with the Court of Brazils, by the sale of galley-slaves. He would read it from a late London paper:

LONDON, Dec. 20—The Court of Naples has concluded a treaty with that of Brazils, for placing at the disposal of the latter, two thousand galley-slaves. After getting rid of the above number, there will still remain five thousand galley-slaves in the Neapolitan dominions."

These were not African slaves, but galley-slaves; a part of themselves, and their destiny to be chained to the oar for life. Should the gentleman wish to extend his travels to the new continent, to pay his respects to their Portuguese Majesties, he would advise him to take a cargo of galley-slaves. It could not fail to make him a welcome guest.

If we examine the history of England, from the

days of Julius Cæsar, we shall find every page stained with blood. That is the country from which the most bitter reproaches have issued against slavery. If the gentleman wished to be kindly received there, and to avoid these foul reproaches, "that his countrymen were hypocrites, and his country a land of oppression, fabricating manacles and chains for slaves," he could appease that indignation by presenting to His Majesty a ship-load of impressed seamen, no matter of what country, for it is now a part of the law of nations to take them wheresoever you can find them on the high seas. England has ceased to enslave men, unless it is in this way; they have latterly found it more profitable to enslave nations.

Mr. LLOYD, of Maryland, followed on the same side, and also in reply to Mr. KING; and spoke nearly an hour.

Mr. PINKNEY obtained the floor for to-morrow; and then the Senate adjourned.

TUESDAY, February 15.

Mr. ROBERTS, from the Committee of Claims, pursuant to instructions, reported a bill for the relief of Bowie and Kurtz, and others; and the bill was read, and passed to the second reading.

The bill, entitled "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States," was read a third time, as amended, and passed.

The bill, entitled "An act for the relief of Ether Shipley, administrator of Thomas Buckminster, late lieutenant in the thirty-third regiment of the United States' infantry," was read a third time, as amended, and passed.

The Senate resumed the consideration of the motion of the 14th instant, "for instructing the Committee on the Judiciary to inquire into the expediency of providing, by law, for holding the district and circuit courts of the United States, for the district of Ohio, at Columbus, the seat of Government for said State," and agreed thereto.

The Senate resumed the consideration of the motion of the 14th instant, for information relatively to the securities given by certain officers of the Government; and the further consideration thereof was postponed until to-morrow.

Mr. ELLIOT presented the memorial of J. E. White and company, of Savannah, stating that they are largely indebted to the United States on bonds for duties on merchandise destroyed by fire, and praying that said bonds may be cancelled; and the memorial was read, and referred to the Committee on Finance.

Mr. ROBERTS presented the memorial of John Bioren, of the city of Philadelphia, and Edward De Kraft, of the city of Washington, proposing to publish an edition of the journal of the old Congress, and soliciting the patronage of Congress; and the memorial was read, and referred to the Committee on the Judiciary.

THE MISSOURI QUESTION.

The Senate resumed the consideration of the Missouri question.

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Mr. PINKNEY, of Maryland, rose and addressed the Senate nearly three hours against the restriction, and in reply to the remarks of Mr. KING, of New York. His speech is as follows:

Mr. President: As I am not a very frequent speaker in this Assembly, and have shown a desire, I trust, rather to listen to the wisdom of others than to lay claim to superior knowledge by undertaking to advise, even when advice, by being seasonable in point of time, might have some chance of being profitable, you will, perhaps, bear with me if I venture to trouble you once more on that eternal subject which has lingered here, until all its natural interest is exhausted, and every topic connected with it is literally worn to tatters. I shall, I assure you, sir, speak with laudable brevity—not merely on account of the feeble state of my health, and from some reverence for the laws of good taste which forbid me to speak otherwise, but also from a sense of justice to those who honor me with their attention. My single purpose, as I suggested yesterday, is to subject to a friendly, yet close examination, some portions of a speech, imposing certainly on account of the distinguished quarter from whence it came—not very imposing, if I may so say, without departing from that respect which I sincerely feel and intend to manifest for eminent abilities and long experience, for any other reason.

I believe, Mr. President, that I am about as likely to retract an opinion which I have formed as any member of this body, who, being a lover of truth, inquires after it with diligence before he imagines that he has found it; but I suspect that we are all of us so constituted as that neither argument nor declamation, levelled against recorded and published decision, can easily discover a practicable avenue through which he may hope to reach either our heads or our hearts. I mention this lest it may excite surprise, when I take the liberty to add, that the speech of the honorable gentleman from New York, upon the great subject with which it was principally occupied, has left me as great an infidel as it found me. It is possible, indeed, that if I had had the good fortune to hear that speech at an earlier stage of this debate, when all was fresh and new, although I feel confident that the analysis which it contained of the Constitution, illustrated as it was by historical anecdote rather than by reasoning, would have been just as unsatisfactory to me then as it is now, I might not have been altogether unmoved by those warnings of approaching evil which it seemed to intimate, especially when taken in connexion with the observations of the same honorable gentleman on a preceding day, "that delays in disposing of this subject in the manner he desires are dangerous, and that we stand on slippery ground." I must be permitted, however, (speaking only for myself,) to say that the hour of dismay is passed. I have heard the tones of the larum bell on all sides, until they have become familiar to my ear, and have lost their power to appal, if, indeed, they ever possessed it. Notwithstanding occasional appearances of rather an unfavorable description, I have long since persuaded myself that the Missouri question, as it is called, might be laid to rest, with innocence and

safety, by some conciliatory compromise at least, by which, as is our duty, we might reconcile the extremes of conflicting views and feelings, without any sacrifice of Constitutional principle; and in any event, that the Union would easily and triumphantly emerge from those portentous clouds with which this controversy is supposed to have environed it.

I confess to you, nevertheless, that some of the principles announced by the honorable gentleman from New York, (Mr. KING,) with an explicitness that reflected the highest credit on his candor, did, when they were first presented, startle me not a little. They were not, perhaps, entirely new. Perhaps I had seen them before in some shadowy and doubtful shape,

If shape it might be called, that shape had none Distinguishable in member, joint, or limb.

But in the honorable gentleman's speech they were shadowy and doubtful no longer. He exhibited them in forms so boldly and accurately defined, with contours so distinctly traced, with features so pronounced and striking, that I was unconscious for a moment that they might be old acquaintances. I received them as *novi hospites* within these walls, and gazed upon them with astonishment and alarm. I have recovered, however, thank God, from this paroxysm of terror, although not from that of astonishment. I have sought and found tranquillity and courage in my former consolatory faith. My reliance is that these principles will obtain no general currency; for, if they should, it requires no gloomy imagination to sadden the perspective of the future. My reliance is upon the unsophisticated good sense and noble spirit of the American people. I have what I may be allowed to call a proud and patriotic trust, that they will give countenance to no principles which, if followed out to their obvious consequences, will not only shake the goodly fabric of the Union to its foundation, but reduce it to a melancholy ruin. The people of this country, if I do not wholly mistake their character, are wise as well as virtuous. They know the value of that Federal association which is to them the single pledge and guarantee of power and peace. Their warm and pious affections will cling to it as to their only hope of prosperity and happiness, in defiance of pernicious abstractions, by whomsoever inculcated, or howsoever seductive and alluring in their aspect.

Sir, it is not an occasion like this, although connected, as contrary to all reasonable expectation it has been, with fearful and disorganizing theories, which would make our estimates, whether fanciful or sound, of natural law, the measure of civil rights and political sovereignty in the social state, that can harm the Union. It must indeed be a mighty storm that can push from its moorings this sacred bark of the common safety. It is not every trifling breeze, however it may be made to sob and howl in imitation of the tempest, by the auxiliary breath of the ambitious, the timid, or the discontented, that can drive this gallant vessel, freighted with every thing that is dear to an American bosom, upon the rocks, or lay it a sheer hulk upon the

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ocean. I may, perhaps, mistake the flattering suggestions of hope, (the greatest of all flatterers, as we are told,) for the conclusions of sober reason. Yet it is a pleasing error, if it be an error, and no man shall take it from me. I will continue to cherish the belief, in defiance of the public patronage given by the honorable gentleman from New York, with more than his ordinary zeal and solemnity, to deadly speculations which, invoking the name of God to aid their faculties for mischief, strike at all establishments, that the union of these States is formed to bear up against far greater shocks than, through all vicissitudes, it is ever likely to encounter. I will continue to cherish the belief that, although like all other human institutions, it may for a season be disturbed, or suffer momentary eclipse by the transit across its disk of some malignant planet, it possesses a recuperative force, a redeeming energy in the hearts of the people, that will soon restore it to its wonted calm and give it back its accustomed splendor. On such a subject I will discard all hysterical apprehensions, I will deal in no sinister auguries, I will indulge in no hypochondriacal forebodings. I will look forward to the future with gay and cheerful hope; and will make the prospect smile, in fancy at least, until overwhelming reality shall render it no longer possible.

I have said thus much, sir, in order that I may be understood as meeting the Constitutional question as a mere question of interpretation, and as disdaining to press into the service of my argument upon it prophetic fears of any sort, however they may be countenanced by an avowal, formidable by reason of the high reputation of the individual by whom it has been hazarded, of sentiments the most destructive, which, if not borrowed from, are identical with, the worst visions of the political philosophy of France when all the elements of discord and misrule were let loose upon that devoted nation. I mean "the infinite perfectibility of man and his institutions," and the resolution of every thing into a state of nature. I have another motive which, at the risk of being misconstrued, I will declare without reserve. With my convictions, and with my feelings, I never will consent to hold confederated America as bound together by a silken cord, which any instrument of mischief may sever, to the view of monarchical foreigners, who look with a jealous eye upon that glorious experiment which is now in progress amongst us in favor of republican freedom. Let them make such prophecies as they will, and nourish such feelings as they may: I will not contribute to the fulfilment of the former, nor minister to the gratification of the latter.

Sir, it was but the other day that we were forbidden (properly forbidden, I am sure, for the prohibition came from you) to assume that there existed any intention to impose a prospective restraint on the domestic legislation of Missouri—a restraint to act upon it contemporaneously with its origin as a State, and to continue adhesive to it through all the stages of its political existence. We are now, however, permitted to know that it is determined by a sort of political surgery to amputate one of

the limbs of its local sovereignty, and thus mangled and disparaged, and thus only, to receive it into the bosom of the Constitution. It is now avowed that while Maine is to be ushered into the Union with every possible demonstration of studious reverence on our part, and on hers with colors flying, and all the other graceful accompaniments of honorable triumph, this ill-conditioned upstart of the West, this obscure foundling of a wilderness that was but yesterday the hunting ground of the savage, is to find her way into the American family as she can, with a humiliating badge of remediless inferiority patched upon her garments, with the mark of recent qualified manumission upon her, or rather with a brand upon her forehead to tell the story of her territorial vassalage, and to perpetuate the memory of her evil propensities. It is now avowed that, while the robust District of Maine is to be seated by the side of her truly respectable parent, co-ordinate in authority and honor, and is to be dandled into that power and dignity of which she does not stand in need, but which undoubtedly she deserves, the more infantine and feeble Missouri is to be repelled with harshness, and forbidden to come at all, unless with the iron collar of servitude about her neck, instead of the civic crown of republican freedom upon her brows, and is to be doomed for ever to leading strings, unless she will exchange those leading strings for shackles.

I am told that you have the power to establish this odious and revolting distinction, and I am referred for the proofs of that power to various parts of the Constitution, but principally to that part of it which authorizes the admission of new States into the Union. I am myself of opinion that it is in that part only that the advocates for this restriction can, with any hope of success, apply for a license to oppose it, and that the efforts which have been made to find it in other portions of that instrument, are too desperate to require to be encountered. I shall, however, examine those other portions before I have done, lest it should be supposed by those who have relied upon them, that what I omit to answer I believe to be unanswerable.

The clause of the Constitution which relates to the admission of new States is in these words: "The Congress may admit new States into this Union," &c., and the advocates for restriction maintain that the use of the word "may" imports discretion to admit or to reject; and that in this discretion is wrapped up another—that of prescribing the terms and conditions of admission in case you are willing to admit *Cujus est dare ejus est disponere*. I will not for the present inquire whether this involved discretion to dictate the terms of admission belongs to you or not. It is fit that I should first look to the nature and extent of it.

I think I may assume that if such a power be any thing but nominal, it is much more than adequate to the present object; that it is a power of vast expansion, to which human sagacity can assign no reasonable limits; that is a capacious reservoir of authority, from which you may take, in all time to come, as occasion may serve, the means

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of oppression as well as of benefaction. I know that it professes at this moment to be the chosen instrument of protecting mercy, and would win upon us by its benignant smiles; but I know, too, it can frown and play the tyrant, if it be so disposed. Notwithstanding the softness which it now assumes, and the care with which it conceals its giant proportions beneath the deceitful drapery of sentiment, when it next appears before you it may show itself with a sterner countenance and in more awful dimensions. It is, to speak the truth, sir, a power of colossal size; if, indeed, it be not an abuse of language to call it by the gentle name of a power. Sir, it is a wilderness of powers, of which fancy, in her happiest mood, is unable to perceive the far distant and shadowy boundary. Armed with such a power, with religion in one hand and philanthropy in the other, and followed with a goodly train of public and private virtues, you may achieve more conquests over sovereignties, not your own, than falls to the common lot of even uncommon ambition. By the aid of such a power, skilfully employed, you may "bridge your way" over the Hellespont that separates State legislation from that of Congress; and you may do so for pretty much the same purpose with which Xerxes once bridged his way across the Hellespont, that separates Asia from Europe. He did so, in the language of Milton, "the liberties of Greece to yoke." You may do so for the analogous purpose of subjugating and reducing the sovereignties of States, as your taste or convenience may suggest, and fashioning them to your imperial will. There are those in this House who appear to think, and I doubt not sincerely, that the particular restraint now under consideration is wise, and benevolent, and good: wise as respects the Union, good as respects Missouri, benevolent as respects the unhappy victims whom, with a novel kindness, it would incarcerate in the South, and bless by decay and extirpation. Let all such beware, lest in their desire for the effect which they believe the restriction will produce, they are too easily satisfied that they have the right to impose it. The moral beauty of the present purpose, or even its political recommendations, (whatever they may be,) can do nothing for a power like this, which claims to prescribe conditions *ad libitum*, and to be competent to this purpose, because it is competent to all. This restriction, if it be not smothered in its birth, will be but a small part of the progeny of that prolific power. It teems with a mighty brood, of which this may be entitled to the distinction of comeliness as well as of primogeniture. The rest may want the boasted loveliness of their predecessor, and be even uglier than "Lapland witches."

Perhaps, sir, you will permit me to remind you that it is almost always in company with those considerations that interest the heart in some way or other, that encroachment steals into the world. A bad purpose throws no veil over the licenses of power. It leaves them to be seen as they are. It affords them no protection from the inquiring eye of jealousy. The danger is, when a tremendous discretion like the present is attempted to be as-

sumed, as on this occasion, in the names of pity, of religion, of national honor, and national prosperity; when encroachment tricks itself out in the robes of piety or humanity, or addresses itself to pride of country, with all its kindred passions and motives. It is then that the guardians of the Constitution are apt to slumber on their watch, or, if awake, to mistake for lawful rule some pernicious arrogation of power.

I would not discourage authorized legislation upon those kindly, generous, and noble feelings, which Providence has given to us for the best of purposes; but when *power to act* is under discussion, I will not look to the end in view, lest I should become indifferent to the lawfulness of the means. Let us discard from this high Constitutional question, all those extrinsic considerations which have been forced into its discussion. Let us endeavor to approach it with a philosophic impartiality of temper, with a sincere desire to ascertain the boundaries of our authority, and a determination to keep our wishes in subjection to our allegiance to the Constitution.

Slavery, we are told in many a pamphlet, memorial, and speech, with which the press has lately groaned, is a foul blot upon our otherwise immaculate reputation. Let this be conceded—yet you are no nearer than before to the conclusion that you possess power which may deal with other subjects as effectually as with this. Slavery, we are further told, with some pomp of metaphor, is a canker at the root of all that is excellent in this republican empire, a pestilential disease that is snatching the youthful bloom from its cheek, prostrating its honor and withering its strength. Be it so—yet if you have power to medicine to it in the way proposed, and in virtue of the diploma which you claim, you have also power in the distribution of your political alexipharmics to present the deadliest drugs to every Territory that would become a State, and bid it drink or remain a colony forever. Slavery, we are also told, is now "rolling onward with a rapid tide towards the boundless regions of the West," threatening to doom them to sterility and sorrow, unless some potent voice can say to it, thus far shalt thou go and no farther. Slavery engenders pride and indolence in him who commands, and inflicts intellectual and moral degradation on him who serves. Slavery, in fine, is unchristian and abominable. Sir, I shall not stop to deny that slavery is all this and more; but I shall not think myself the less authorized to deny that it is for you to stay the course of this dark torrent, by opposing to it a mound raised up by the labors of this portentous discretion on the domain of others; a mound which you cannot erect but through the instrumentality of a trespass of no ordinary kind—not the comparatively innocent trespass that beats down a few blades of grass which the first kind sun or the next refreshing shower may cause to spring again—but that which levels with the ground the lordliest trees of the forest, and claims immortality for the destruction which it inflicts.

I shall not, I am sure, be told that I exaggerate this power. It has been admitted here and else-

where that I do not. But I want no such concession. It is manifest that, as a discretionary power, it is every thing or nothing; that its head is in the clouds, or that it is a mere figment of enthusiastic speculation; that it has no existence, or that it is an alarming vortex ready to swallow up all such portions of the sovereignty of an infant State as

you may think fit to cast into it as preparatory to the introduction into the Union of the miserable residue. No man can contradict me when I say that, if you have this power, you may squeeze down a new-born sovereign State to the size of a pigmy, and then taking it between finger and thumb, stick it into some nitch of the Union, and still continue, by way of mockery, to call it a State in the sense of the Constitution. You may waste it to a shadow, and then introduce it into the society of flesh and blood, an object of scorn and derision. You may sweat and reduce it to a thing of skin and bone, and then place the ominous skeleton beside the ruddy and healthful members of the Union, that it may have leisure to mourn the lamentable difference between itself and its companions, to brood over its disastrous promotion, and to seek, in justifiable discontent, an opportunity for separation, and insurrection, and rebellion. What may you not do by dexterity and perseverance with this terrific power? You may give to a new State, in the form of terms which it cannot refuse, (as I shall show you hereafter,) a statute book of a thousand volumes, providing not for ordinary cases only, but even for possibilities; you may lay the yoke, no matter whether light or heavy, upon the necks of the latest posterity; you may send this searching power into every hamlet for centuries to come, by laws enacted in the spirit of prophecy, and regulating all those dear relations of domestic concern which belong to local legislation, and which even local legislation touches with a delicate and sparing hand. This is the first inroad. But will it be the last? This provision is but a pioneer for others of a more desolating aspect. It is that fatal bridge of which Milton speaks, and when once firmly built, what shall hinder you to pass it when you please for the purpose of plundering power after power, at the expense of new States, as you will still continue to call them, and raising up prospective codes irrevocable and immortal, which shall leave to those States the empty shadows of domestic sovereignty, and convert them into petty pageants, in themselves contemptible, but rendered infinitely more so by the contrast of their humble faculties with the proud and admitted pretensions of those who, having doomed them to the inferiority of vassals, have condescended to take them into their society and under their protection?

I shall be told, perhaps, that you can have no temptation to do all or any part of this, and, moreover, that you can do nothing of yourselves, or, in other words, without the concurrence of the new State. The last of these suggestions I shall examine by and by. To the first, I answer that it is not incumbent upon me to prove that this discretion will be abused. It is enough for me to prove the vastness of the power as an inducement to make us pause upon it, and to inquire with atten-

tion whether there is any apartment in the Constitution large enough to give it entertainment. It is more than enough for me to show that vast as this power, it is with reference to mere Territories an irresponsible power. Power is irresponsible when it acts upon those who are defenceless against it; who cannot check it, or contribute to check it in its exercise; who can resist it only by force. The Territory of Missouri has no check upon this power. It has no share in the government of the Union. In this body it has no representative. In the other House it has, by courtesy, an agent who may remonstrate, but cannot vote. That such an irresponsible power is not likely to be abused, who will undertake to assert? If it is not, "experience is a cheat, and fact a liar." The power which England claimed over the colonies was such a power, and it was abused; and hence the Revolution. Such a power is always perilous to those who wield it, as well as to those on whom it is exerted. Oppression is but another name for irresponsible power, if history is to be trusted.

The free spirit of our Constitution and of our people, is no assurance against the propension of unbridled power to abuse, when it acts upon colonial dependants rather than upon ourselves. Free States, as well as despots, have oppressed those whom they were bound to foster; and it is the nature of man that it should be so. The love of power, and the desire to display it when it can be done with impunity, is inherent in the human heart. Turn it out at the door, and it will in again at the window. Power is displayed in its fullest measure, and with a captivating dignity, by restraints and conditions. The *pruritas leges ferendis* is a universal disease; and conditions are laws as far as they go. The vanity of human wisdom, and the presumption of human reason, are proverbial. This vanity and this presumption are often neither reasonable nor wise. Humanity, too, sometimes plays fantastic tricks with power. Time, moreover, is fruitful in temptations to convert discretionary power to all sorts of purposes.

Time, that withers the strength of man and "strews around him like autumnal leaves the ruins of his proudest monuments," produces great vicissitudes in modes of thinking and feeling. It brings along with it, in its progress, new circumstances, new combinations and modifications of the old, generating new views, motives, and caprices, new fanaticisms of endless variety—in short, new every thing. We ourselves are always changing—and what to-day we have but a small desire to attempt, to-morrow becomes the object of our passionate aspirations.

There is such a thing as enthusiasm, moral, religious, or political, or a compound of all three; and it is wonderful what it will attempt, and from what imperceptible beginnings it sometimes rises into a mighty agent. Rising from some obscure or unknown source, it first shows itself a petty rivulet, which scarcely murmurs over the pebbles that obstruct its way; then it swells into a fierce torrent, bearing all before it; and, again, like some mountain stream which occasional rains have precipitated upon the valley, it sinks once more into

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a rivulet, and finally leaves its channel dry. Such a thing has happened. I do not say that it is now happening. It would not become me to say so. But, if it should occur, wo to the unlucky Territory that should be struggling to make its way into the Union at the moment when the opposing inundation was at its height, and at the same instant this wide Mediterranean of discretionary powers, which it seems is ours, should open up all its sluices, and with a consentaneous rush, mingle with the turbid waters of the others! * * * *

"New States may be admitted by the Congress into this Union." It is objected that the word "may" imports power, not obligation—a right to decide—a discretion to grant or refuse.

To this it might be answered, that *power is duty*, on many occasions. But let it be conceded that it is discretionary. What consequence follows? A power to refuse, in a case like this, does not necessarily involve a power to exact terms. You must look to the *result*, which is the declared object of the power. Whether you will arrive at it or not may depend on your will; but you cannot compromise with the result intended and professed.

What, then, is the professed result? To admit a State into this Union.

What is that Union? A confederation of States equal in sovereignty, capable of every thing which the Constitution does not forbid, or authorize Congress to forbid. It is an equal Union between parties equally sovereign. They were sovereign, independently of the Union. The object of the Union was common protection for the exercise of already existing sovereignty. The parties gave up a portion of that sovereignty to insure the remainder. As far as they gave it up by the common compact they have ceased to be sovereign. The Union provides the means of defending the residue; and it is into that Union that a new State is to come. By acceding to it, the new State is placed on the same footing with the original States. It accedes for the same purpose, that is, protection for its unsundered sovereignty. If it comes in shorn of its beams—crippled and disparaged beyond the original States, it is not into the original Union that it comes. For it is a different sort of Union. The first was Union *inter pares*: This is a Union between *disparates*, between giants and a dwarf, between power and feebleness, between full proportioned sovereignties and a miserable image of power—a thing which that very Union has shrunk and shrivelled from its just size, instead of preserving it in its true dimensions.

It is into "this Union," that is, the Union of the Federal Constitution, that you are to admit, or refuse to admit. You can admit into no other. You cannot make the Union, as to the new State, what it is not as to the old; for then it is not *this* Union that you open for the entrance of a new party. If you make it enter into a new and additional compact, is it any longer the same Union?

We are told that, admitting a State into the Union is a compact. Yes; but what sort of a compact? A compact that it shall be a member of the Union, as the Constitution has made it. You cannot new fashion it. You may make

a compact to admit, but when admitted the original compact prevails. The Union is a compact, with a provision of political power and agents for the accomplishment of its objects. Vary that compact as to a new State; give new energy to that political power so as to make it act with more force upon a new State than upon the old; make the will of those agents more effectually the arbiter of the fate of a new State than of the old, and it may be confidently said that the new State has not entered into this Union, but into another Union. How far the Union has been varied is another question. But that it has been varied is clear.

If I am told that, by the bill relative to Missouri, you do not legislate upon a new State, I answer that you do; and I answer further, that it is immaterial whether you do or not. But it is upon Missouri, as a State, that your terms and conditions are to act. Until Missouri is a State, the terms and conditions are nothing. You legislate in the shape of terms and conditions prospectively; and you so legislate upon it that when it comes into the Union it is bound by a contract degrading and diminishing its sovereignty, and is to be stripped of rights which the original parties to the Union did not consent to abandon, and which that Union (so far as depends upon it) takes under its protection and guarantee.

Is the right to hold slaves a right which Massachusetts enjoys? If it is, Massachusetts is under this Union in a different character from Missouri. The compact of the Union for it, is different from the same compact of Union for Missouri. The power of Congress is different—every thing which depends upon the Union is, in that respect, different.

But it is immaterial whether you legislate for Missouri as a State or not. The effect of your legislation is to bring it into the Union with a portion of its sovereignty taken away.

But it is a *State* which you are to admit. What is a State in the sense of the Constitution? It is not a State in the general, but a State as you find it in the Constitution? A State, generally, is a body politic or independent political society of men. But the State which you are to admit must be more or less than this political entity. What must it be? Ask the Constitution. It shows what it means by a State by reference to the parties to it. It must be such a State as Massachusetts, Virginia, and the other members of the American Confederacy—a State with full sovereignty, except as the Constitution restricts it.

It is said that the word *may* necessarily implies the right of prescribing the terms of admission. Those who maintain this are aware that there are no express words, (such as, upon such terms and conditions as Congress *shall* think fit,) words which it was natural to expect to find in the Constitution, if the effect contended for were meant. They put it, therefore, on the word *may*, and on that alone.

Give to that word all the force you please, what does it import? That Congress is not *bound* to admit a new State into this Union. Be it so for argument's sake. Does it follow that when you

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consent to admit into this Union a new State you can make it less in sovereign power than the original parties to that Union; that you can make the Union as to it what it is not as to them; that you can fashion it to your liking by compelling it to purchase admission into a Union by sacrificing a portion of that power which it is the sole purpose of the Union to maintain in all the plenitude which the Union itself does not impair? Does it follow that you can force upon it an additional compact not found in the compact of Union; that you can make it come into the Union less a State, in regard to sovereign power, than its fellows in that Union; that you can cripple its legislative competency (beyond the Constitution which is the pact of Union, to which you make it a party as if it had been originally a party to it) by what you choose to call a *condition*, but which, whatever it may be called, brings the new government into the Union under new obligations to it, and with disparaged power to be protected by it?

In a word, the whole amount of the argument on the other side is, that you may refuse to admit a new State, and that therefore if you admit, you may prescribe the terms.

The answer to that argument is, that even if you can refuse, you can prescribe no terms which are inconsistent with the act you are to do. You can prescribe no conditions which, if carried into effect, would make the new State less a sovereign State than, under the Union as it stands, it would be. You can prescribe no terms which will make the compact of Union between it and the original States essentially different from that compact among the original States. You may admit, or refuse to admit: but if you admit, you must admit a State in the sense of the Constitution—a State with all such sovereignty as belongs to the original parties; and it must be into *this Union* that you are to admit it, not into a Union of your own dictating, formed out of the existing Union by qualifications and new compacts, altering its charter and effect, and making it fall short of its protecting energy in reference to the new State, whilst it requires an energy of another sort—the energy of restraint and destruction.

I have thus endeavored to show that even if you have a discretion to refuse to admit, you have no discretion, if you are willing to admit, to insist upon any terms that impair the sovereignty of the admitted State as it would otherwise stand in the Union by the Constitution which receives it into its bosom. To admit, or not, is for you to decide. Admission once conceded, it follows as a corollary that you must take the new State as an equal companion with its fellows; that you cannot recast or new-model the Union *pro hac vice*; but that you must receive it into the actual Union, and recognise it as a parcenter in the common inheritance, without any other shackles than the rest have, by the Constitution, submitted to bear, without any other extinction of power than is the work of the Constitution acting indifferently upon all.

I may be told perhaps that the restriction, in this case, is the act of Missouri itself; that your law is nothing without its consent, and derives its effi-

cacy from that alone. I shall have a more suitable occasion to speak on this topic hereafter, when I come to consider the treaty which ceded Louisiana to the United States. But I will say a few words upon it now of a more general application than it will in that branch of the argument be necessary to use.

A Territory cannot surrender to Congress by anticipation, the whole, or a part, of the sovereign power, which, by the Constitution of the Union, will belong to it when it becomes a State and a member of the Union. Its consent is therefore nothing. It is in no situation to make this surrender. It is under the government of Congress; if it can barter away a part of its sovereignty, by anticipation, it can do so as to the whole; for where will you stop? If it does not cease to be a State, in the sense of the Constitution, with only a certain portion of sovereign power, what other smaller portion will have that effect? If you depart from the standard of the Constitution, that is, the quantity of domestic sovereignty left in the first contracting States, and secured by the original compact of Union, where will you get another standard? Consent is no standard; for consent may be gained to a surrender of all.

No State, or Territory, in order to become a State, can alienate or surrender any portion of its sovereignty to the Union, or to a sister State, or to a foreign nation. It is under an incapacity to disqualify itself for all the purposes of government left to it in the Constitution, by stripping itself of attributes which arise from the natural equality of States, and which the Constitution recognises, not only because it does not deny them, but presumes them to remain as they exist by the law of nature and nations. Inequality in the sovereignty of States is unnatural, and repugnant to all the principles of that law. Hence we find it laid down by the text-writers on public law, that "Nature has established a perfect equality of rights between independent nations;" and that, "whatever the quality of a free sovereign nation gives to one, it gives to another."* The Constitution of the United States proceeds upon the truth of this doctrine. It takes the States as it finds them, *free and sovereign alike by nature*. It receives from them portions of their power for the general good, and provides for the exercise of it by organized political bodies. It diminishes the individual sovereignty of each, and transfers, what it subtracts, to the Government which it creates: it takes from all alike, and leaves them relatively to each other equal in sovereign power.

The honorable gentleman from New York has put the Constitutional argument altogether upon the clause relative to admission of new States into the Union. He does not pretend that you can find the power to restrain, in any extent, elsewhere. It follows that it is not a particular power to impose this restriction, but a power to impose restrictions *ad libitum*. It is competent to this, because it is competent to every thing. But he denies that there can be any power in man to hold in slavery his

* Vattel, *Droit des Gens*, liv. 2, c. 3, s. 36.

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fellow-creature, and argues, therefore, that the prohibition is no restraint at all, since it does not interfere with the sovereign powers of Missouri.

One of the most signal errors with which the argument on the other side has abounded, is this of considering the proposed restriction as if leveled at the introduction or establishment of slavery. And hence the vehement declamation which, among other things, has informed us that slavery originated in fraud or violence.

The truth is, that the restriction has no relation, real or pretended, to the right of making slaves of those who are free, or of introducing slavery where it does not already exist. It applies to those who are admitted to be already slaves, and who, with their posterity, would continue to be slaves if they should remain where they are at present; and to a place where slavery already exists by the local law. Their civil condition will not be altered by their removal from Virginia or Carolina to Missouri. They will not be more slaves than they now are. Their abode, indeed, will be different, but their bondage the same. Their numbers may possibly be augmented by the diffusion, and I think they will. But this can only happen because their hardships will be mitigated, and their comforts increased. The checks to population, which exist in the older States will be diminished. The restriction, therefore, does not prevent the establishment of slavery, either with reference to persons or place; but simply inhibits the removal from place to place (the law in each being the same) of a slave, or make his emancipation the consequence of that removal. It acts professedly merely on slavery as it exists, and thus acting restrains its present lawful effects. That slavery, like many other human institutions, originated in fraud or violence, may be conceded; but, however it originated, it is established among us, and no man seeks a further establishment of it by new importations of freemen to be converted into slaves. On the contrary, all are anxious to mitigate its evils, by all the means within the reach of the appropriate authority, the domestic Legislatures of the different States.

It can be nothing to the purpose of this argument, therefore, as the gentlemen themselves have shaped it, to inquire what was the origin of slavery. What is it now, and who are they that endeavor to innovate upon what it now is, (the advocates of this restriction who desire change by unconstitutional means, or its opponents who desire to leave the whole matter to local regulation,) are the only questions worthy of attention.

Sir, if we too closely look to the rise and progress of long-sanctioned establishments and unquestioned rights, we may discover other subjects than that of slavery, with which fraud and violence may claim a fearful connexion, and over which it may be our interest to throw the mantle of oblivion. What was the settlement of our ancestors in this country but an invasion of the rights of the barbarians who inhabited it? That settlement, with slight exceptions, was effected by the slaughter of those who did no more than defend their native land against the intruders of Europe, or by unequal compacts and purchases, in which feebleness and ignorance

had to deal with power and cunning. The savages who once built their huts where this proud Capitol, rising from its recent ashes, exemplifies the sovereignty of the American people, were swept away by the injustice of our fathers, and their domain usurped by force, or obtained by artifices yet more criminal. Our continent was full of those aboriginal inhabitants. Where are they or their descendants? Either "with years beyond the flood," or driven back by the swelling tide of our population from the borders of the Atlantic to the deserts of the West. You follow still the miserable remnants, and make *contracts* with them that seal their ruin. You purchase their lands, of which they know not the value, in order that you may sell them to advantage, increase your treasure, and enlarge your empire. Yet further; you pursue as they retire; and they must continue to retire until the Pacific shall stay their retreat, and compel them to pass away as a dream. Will you recur to those scenes of various iniquity for any other purpose than to regret and lament them? Will you pry into them with a view to shake and impair your rights of property and dominion?

But the broad denial of the sovereign right of Missouri, if it shall become a sovereign State, to recognise slavery by its laws, is rested upon a variety of grounds, all of which I will examine.

It is an extraordinary fact, that they who urge this denial with such ardent zeal, stop short of it in their conduct. There are now slaves in Missouri whom they do not insist upon delivering from their chains. Yet, if it is incompetent to sovereign power to continue slavery in Missouri, in respect of slaves who may yet be carried thither, show me the power that can continue it in respect of slaves who are there already. Missouri is out of the old limits of the Union, and beyond those limits, it is said, we can give no countenance to slavery, if we can countenance or tolerate it any where. It is plain that there can be no slaves beyond the Mississippi at this moment, but in virtue of some power to make or keep them so. What sort of power was it that has made or kept them so? Sovereign power it could not be, according to the honorable gentlemen from Pennsylvania and New Hampshire, (Messrs. ROBERTS, LOWRIE, and MORRIS;) and if sovereign power is unequal to such a purpose, less than sovereign power is yet more unequal to it. The laws of Spain and France could do nothing; the laws of the territorial government of Missouri could do nothing towards such a result, if it be a result which no laws, in other words, no sovereignty could accomplish. The treaty of 1803 could do no more in this view, than the laws of France, or Spain, or the territorial government of Missouri. A treaty is an act of sovereign power, taking the shape of a compact between the parties to it; and that which sovereign power cannot reach at all, it cannot reach by a treaty. Those who are now held in bondage, therefore, in Missouri, and their issue, are entitled to be free, if there be any truth in the doctrine of the honorable gentlemen; and if the proposed restriction leaves all such in slavery, it thus discredits the very foundation on which it reposes. To be inconsistent is

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the fate of false principles; but this inconsistency is the more to be remarked, since it cannot be referred to mere considerations of policy, without admitting that such considerations may be preferred, without a crime, to what is deemed a paramount and indispensable duty.

It is here, too, that I must be permitted to observe, that the honorable gentlemen have taken great pains to show that this restriction is a mere work of supererogation by the principal argument on which they rest the proof of its propriety. Missouri, it is said, can have no power to do what the restriction would prevent. It would be void, therefore, without the restriction. Why, then, I ask, is the restriction insisted upon? Restraint implies that there is something to be restrained; but the gentlemen justify the restraint, by showing that there is nothing upon which it can operate! They demonstrate the wisdom and necessity of restraint, by demonstrating that, with or without restraint, the subject is in the same predicament. This is to combat with a man of straw, and to put fetters upon a shadow.

The gentlemen must therefore abandon either their doctrine or their restriction—their argument or their object—for they are directly in conflict, and reciprocally destroy each other. It is evident that they will not abandon their object, and, of course, I must believe that they hold their argument in as little real estimation as I myself do. The gentlemen can scarcely be sincere believers in their own principle. They have apprehensions which they endeavor to conceal, that Missouri, as a State, will have the power to continue slavery within its limits; and, if they will not be offended, I will venture to compare them, in this particular, with the duellist in Sheridan's comedy of the Rivals, who, affecting to have no fear whatever of his adversary, is, nevertheless, careful to admonish Sir Lucius to hold him fast.

Let us take it for granted, however, that they are in earnest in their doctrine, and that it is very necessary to impose what they prove to be an unnecessary restraint: how do they support that doctrine?

The honorable gentleman on the other side (Mr. KING) has told us, as a proof of his great position, that man cannot enslave his fellow man, in which is implied that all laws upholding slavery are absolute nullities; that the nations of antiquity, as well as of modern times, have concurred in laying down that position as incontrovertible.

He refers us, in the first place, to the Roman law, in which he finds it laid down as a maxim: *Jure naturali omnes homines ab initio liberi nascebantur*. From the manner in which this maxim was pressed upon us, it would not readily have been conjectured that the honorable gentleman who used it had borrowed it from a slaveholding Empire, and still less from a book of the Institutes of Justinian, which treats of slavery, and justifies and regulates it. Had he given us the context, we should have had the modifications of which the abstract doctrine was, in the judgment of the Roman law, susceptible. We should have had an explanation of the competency of that law, to

convert, whether justly or unjustly, freedom into servitude, and to maintain the right of a master to the service and obedience of his slave.

The honorable gentleman might also have gone to Greece for a similar maxim and a similar commentary, speculative and practical.

He next refers us to Magna Charta. I am somewhat familiar with Magna Charta, and I am confident that it contains no such maxim as the honorable gentleman thinks he has discovered in it. The great charter was extorted from John, and his feeble son and successor, by haughty slaveholding barons, who thought only of themselves and the commons of England, (then inconsiderable,) whom they wished to enlist in their efforts against the Crown. There is not in it a single word which condemns civil slavery. Freemen only are the objects of its protecting care. "*Nullus liber homo*," is its phraseology. The serfs who were chained to the soil, the villains regardant and in gross, were left as it found them. All England was then full of slaves, whose posterity would by law remain slaves as with us, except only that the issue followed the condition of the father instead of the mother. The rule was "*Partus sequitur patrem*—a rule more favorable, undoubtedly, from the very precariousness of its application, to the gradual extinction of slavery, than ours, which has been drawn from the Roman law, and is of sure and unavoidable effect.

Still less has the Petition of Right, presented to Charles I., by the Long Parliament, to do with the subject of civil slavery. It looked merely, as Magna Charta had not done before it, to the freemen of England; and sought only to protect them against royal prerogative and the encroaching spirit of the Stuarts.

As to the Bill of Rights, enacted by the Convention Parliament of 1688, it is almost a duplicate of the Petition of Right, and arose out of the recollection of that political tyranny from which the nation had just escaped, and the recurrence of which it was intended to prevent. It contains no abstract principles. It deals only with practical checks upon the power of the monarch, and in safeguards for institutions essential to the preservation of the public liberty. That it was not designed to anathematize civil slavery may be taken for granted, since, at that epoch and long afterwards, the English Government inundated its foreign plantations with slaves, and supplied other nations with them as merchandise, under the sanction of solemn treaties negotiated for that purpose. And here I cannot forbear to remark that we owe it to that same Government, when it stood towards us in the relation of parent to child, that involuntary servitude exists in our land, and that we are now deliberating whether the prerogative of correcting its evils belongs to the National or the State Governments. In the early periods of our colonial history every thing was done by the mother country to encourage the importation of slaves into North America, and the measures which were adopted by the Colonial Assemblies to prohibit it were uniformly negatived by the Crown. It is not therefore our fault, nor the fault of our ancestors,

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that this calamity has been entailed upon us; and, notwithstanding the ostentation with which the loitering abolition of the slave trade by the British Parliament has been vaunted, the principal consideration which at last reconciled it to that measure was, that, by suitable care, the slave population in their West India islands, already fully stocked, might be kept up and even increased without the aid of importation. In a word, it was cold calculations of interest, and not the suggestions of humanity, or a respect for the philanthropic principles of Mr. Wilberforce which produced their tardy abandonment of that abominable traffic.

Of the Declaration of our Independence, which has also been quoted in support of the perilous doctrines now urged upon us, I need not now speak at large. I have shown on a former occasion how idle it is to rely upon that instrument for such a purpose, and I will not fatigue you by mere repetition. The self-evident truths announced in the Declaration of Independence are not truths at all, if taken literally; and the practical conclusions contained in the same passage of that declaration prove that they were never designed to be so received.

The Articles of Confederation contain nothing on the subject; whilst the actual Constitution recognises the legal existence of slavery by various provisions. The power of prohibiting the slave trade is involved in that of regulating commerce, but this is coupled with an express inhibition to the exercise of it for twenty years. How, then, can that Constitution which expressly permits the importation of slaves, authorize the National Government to set on foot a crusade against slavery?

The clause respecting fugitive slaves is affirmative and active in its effects. It is a direct sanction and positive protection of the right of the master to the services of his slave as derived under the local laws of the States. The phraseology in which it is wrapped up still leaves the intention clear, and the words, "persons held to service or labor in one State under the laws thereof," have always been interpreted to extend to the case of slaves, in the various acts of Congress which have been passed to give efficacy to the provision, and in the judicial application of those laws. So also in the clause prescribing the ratio of representation—the phrase, "three fifths of all other persons," is equivalent to *slaves*, or it means nothing. And yet we are told that those who are acting under a Constitution which sanctions the existence of slavery in those States which choose to tolerate it, are at liberty to hold that no law can sanction its existence!

It is idle to make the rightfulness of an act the measure of sovereign power. The distinction between sovereign power and the moral right to exercise it, has always been recognised. All political power may be abused, but is it to stop where abuse may begin? The power of declaring war is a power of vast capacity for mischief, and capable of inflicting the most wide-spread desolation. But it is given to Congress without stint and without measure. Is a citizen, or are the courts of justice to inquire whether that, or any other law, is just,

before they obey or execute it? And are there any degrees of injustice which will withdraw from sovereign power the capacity of making a given law?

But sovereignty is said to be *deputed* power. Deputed—by whom? By the people, because the power is theirs. And if it be theirs, does not the restriction take it away? Examine the Constitution of the Union, and it will be seen that the people of the States are regarded as well as the States themselves. The Constitution was made by the people, and ratified by the people.

Is it fit, then, to hold that all the sovereignty of a State is in the government of the State? So much is there as the people grant: and the people can take it away, or give more, or new model what they have already granted. It is this right which the proposed restriction takes from Missouri. You give them an immortal constitution, depending on your will, not on theirs. The people and their posterity are to be bound for ever by this restriction; and upon the same principle, any other restriction may be imposed. Where, then, is their power to change the Constitution, and to devolve new sovereignty upon the State government? You limit their sovereign capacity to do it; and when you talk of a State, you mean the people as well as the Government. The people are the source of all power—you dry up that source. They are the reservoir—you take out of it what suits you.

It is said that this Government is a Government of deputed powers. So is every Government—and what power is not deputed remains. But the people of the United States can give it more if they please, as the people of each State can do in respect to its own government. And here it is well to remember that this is a Government of enumerated, as well as deputed powers; and to examine the clause as to the admission of new States, with that principle in view. Now assume that it is a part of the sovereign power of the people of Missouri to continue slavery, and to devolve that power upon its Government, and then to take it away, and then to give it again. The Government is their creature—the means of exercising their sovereignty, and they can vary those means at their pleasure. Independently of the Union, their power would be unlimited. By coming into the Union, they part with some of it, and are thus less sovereign.

Let us, then, see whether they part with this power.

If they have parted with this portion of sovereign power, it must be under that clause of the national Constitution which gives to Congress "power to admit new States into this Union." And it is said that this necessarily implies the authority of prescribing the conditions upon which such new States shall be admitted. This has been put into the form of a syllogism, which is thus stated:

Major. Every universal proposition includes all the means, manner, and terms, of the act to which it relates.

Minor. But this is a universal proposition.

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Conclusion. Therefore, the means, manner, and terms, are involved in it.

But this syllogism is fallacious, and any thing else may be proved by it, by assuming one of its members which involves the conclusion. The minor is a mere postulate.

Take it in this way:

Major. None but a universal proposition includes in itself the terms and conditions of the act to be done.

Minor. But this is not such a universal proposition.

Conclusion. Therefore, it does not contain, in itself, the terms and conditions of the act.

In both cases, the minor is a gratuitous postulate.

But I deny that a universal proposition, as to a specific act, involves the terms and conditions of that act, so as to vary it and substitute another and a different act in its place. The proposition contained in the clause, is universal in one sense only. It is particular in another. It is universal as to the power to admit or refuse. It is particular as to the being or thing to be admitted, and the compact by which it is to be admitted. The sophistry consists in extending the universal part of the proposition in such a manner as to make out of it another universal proposition. It consists in confounding the right to produce or to refuse to produce a certain defined effect, with a right to produce a different effect by refusing otherwise to produce any effect at all. It makes the actual right the instrument of obtaining another right with which the actual right is incompatible. It makes, in a word, lawful power the instrument of unlawful usurpation. The result is kept out of sight by this mode of reasoning. The discretion to decline that result, which is called a universal proposition, is singly obtruded upon us. But, in order to reason correctly, you must keep in view the defined result, as well as the discretion to produce or to decline to produce it. The result is the particular part of the proposition; therefore, the discretion to produce or decline it, is the universal part of it. But, because the last is found to be universal, it is taken for granted that the first is also universal. This is a sophism too manifest to impose.

But, discarding the machinery of syllogisms as unfit for such a discussion as this, let us look at the clause with a view of interpreting it by the rules of sound logic and common sense.

The power is, "to admit new States into this Union;" and it may be safely conceded that here is discretion to admit or refuse. The question is, what must we do, if we do any thing? What must we admit, and into what? The answer is, a State—and into this Union.

The distinction between federal rights and local rights is an idle distinction. Because the new State acquires federal rights, it is not, therefore, in this Union. The Union is a compact; and is it an equal party to that compact, because it has equal federal rights? How is the Union formed? By equal contributions of power. Make one member sacrifice more than another, and it becomes unequal. The compact is of two parts:

1. The thing obtained—federal rights.
2. The price paid—local sovereignty.

You may disturb the balance of the Union, either by diminishing the thing acquired, or increasing the sacrifice paid.

What were the purposes of coming into the Union among the original States? The States were originally sovereign, without limit, as to foreign and domestic concerns. But, being incapable of protecting themselves singly, they entered into the Union to defend themselves against foreign violence. The domestic concerns of the people were not, in general, to be acted on by it. The security of the power of managing them by domestic legislature, is one of the great objects of the Union. The Union is a *means* not an *end*. By requiring greater sacrifices of domestic power, the end is sacrificed to the means. Suppose the surrender of all, or nearly all, the domestic powers of legislation were required; the means would there have swallowed up the end.

The argument that the compact may be enforced, shows that the federal predicament is changed. The power of the Union not only acts on persons and citizens, but on the faculty of the Government, and restrains it in a way which the Constitution nowhere authorizes. This new obligation takes away a right which is expressly "reserved to the people or the States," since it is nowhere granted to the Government of the Union. You cannot do indirectly what you cannot do directly. It is said that this Union is competent to make compacts. Who doubts it? But can you make this compact? I insist that you cannot make it, because it is repugnant to the thing to be done.

The effect of such a compact would be to produce that inequality in the Union, to which the Constitution, in all its provisions, is adverse. Every thing in it looks to equality among the members of the Union. Under it you cannot produce inequality. Nor can you get beforehand of the Constitution, and do it by anticipation. Wait until a State is in the Union, and you cannot do it; yet it is only upon the State in the Union that what you do begins to act.

But it seems, that, although the proposed restriction may not be justified by the clause of the Constitution which gives power to admit new States into the Union, separately considered, there are other parts of the Constitution which, combined with that clause, will warrant it. And first, we are informed that there is a clause in this instrument which declares that Congress shall guaranty to every State a republican form of government; that slavery and such a form of government are incompatible; and, finally, as a conclusion from these premises, that Congress not only have a *right*, but are *bound* to exclude slavery from a new State. Here, again, sir, there is an edifying inconsistency between the argument and the measure which it professes to vindicate. By the argument it is maintained that Missouri cannot have a republican form of government and at the same time tolerate negro slavery. By the measure it is admitted that Missouri may tolerate slavery, as to persons already in bondage there, and be nevertheless fit to be re-

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ceived into the Union. What sort of Constitutional mandate is this, which can thus be made to bend, and truckle, and compromise, as if it were a simple rule of expediency that might admit of exceptions upon motives of countervailing expediency? There can be no such pliancy in the peremptory provisions of the Constitution. They cannot be obeyed by moieties and violated in the same ratio. They must be followed out to their full extent, or treated with that decent neglect which has at least the merit of forbearing to render contumacy obtrusive by an ostentatious display of the very duty which we in part abandon. If the decalogue could be observed in this casuistical manner, we might be grievous sinners, and yet be liable to no reproach. We might persist in all our habitual irregularities and still be spotless. We might, for example, continue to covet our neighbors' goods, provided they were the same neighbors whose goods we had before coveted; and so of all the other commandments.

Will the gentlemen tell us that it is the *quantity* of slaves, not the *quality* of slavery, which takes from a government the republican form? Will they tell us, (for they have not yet told us,) that there are Constitutional grounds, (to say nothing of common sense,) upon which the slavery which now exists in Missouri may be reconciled with a republican form of government, while any addition to the number of its slaves, (the quality of slavery remaining the same) from the other States, will be repugnant to that form, and metamorphose it into some nondescript government disowned by the Constitution? They cannot have recourse to the treaty of 1803 for such a distinction, since, independently of what I have before observed on that head, the gentlemen have contended that the treaty has nothing to do with the matter. They have cut themselves off from all chance of a convenient distinction in or out of that treaty by insisting that slavery beyond the old United States is rejected by the Constitution, and by the law of God, as discoverable by the aid of either reason or revelation; and, moreover, that the treaty does not include the case, and if it did, could not make it better. They have, therefore, completely discredited their own theory by their own practice, and left us no theory worthy of being seriously controverted. This peculiarity in reasoning, of giving out a universal principle, and coupling with it a practical concession that it is wholly fallacious, has, indeed, run through the greater part of the arguments on the other side; but it is not, as I think, the more imposing on that account, or the less liable to the criticism which I have here bestowed upon it.

There is a remarkable inaccuracy on this branch of the subject into which gentlemen have fallen, and to which I will give a moment's attention, without laying unnecessary stress upon it. The government of a new State, as well as of an old State, must, I agree, be republican in its form. But it has not been very clearly explained what the laws which such a government may enact can have to do with its form. The form of the government is material only as it furnishes a security that those

laws will protect and promote the public happiness, and be made in a republican spirit. The people being, in such a Government, the fountain of all power, and their servants being periodically responsible to them for its exercise, the Constitution of the Union takes for granted, (except so far as it imposes limitations,) that every such exercise will be just and salutary. The introduction or continuance of civil slavery is manifestly the mere result of the power of making laws. It does not, in any degree enter into the form of the government. It presupposes that form already settled, and takes its rise not from the particular frame of the government, but from the general power which every government involves. Make the government what you will in its organization and in the distribution of its authorities, the introduction or continuance of involuntary servitude by the legislative power which it has created can have no influence on its pre-established form, whether monarchical, aristocratical, or republican. The form of government is still one thing, and the law, being a simple exertion of the ordinary faculty of legislation by those to whom that form of government has intrusted it, another. The gentlemen, however, identify an act of legislation sanctioning involuntary servitude with the form of government itself, and they assure us that the latter is changed retroactively by the first, and is no longer republican.

But let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire (Mr. MORRIL) has defined a republican Government to be that in which all the men participate in its power and privileges; from whence it follows that where there are slaves it can have no existence. A definition is no proof, however, and even if it be dignified, (as I think it was,) with the name of a maxim, the matter is not much mended. It is Lord Bacon who says: that "nothing is so easily made as a maxim;" and, certainly, a definition is manufactured with equal facility. A political maxim is the work of induction, and cannot stand against experience, or stand on any thing but experience. But the maxim, or definition, or whatever else it may be, sets fact at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home you will gain still less. I have read that Sparta, and Rome, and Athens, and many others of the ancient family, were Republics. They were so in form, undoubtedly—the last approaching nearer to a perfect Democracy than any other Government which has yet been known to the world. Judging of them, also, by their fruits, they were of the highest order of Republics. Sparta could scarcely be any other than a Republic, when a Spartan matron could say to her son just marching to battle, "*Return victorious, or return no more!*" It was the unconquerable spirit of liberty, nurtured by republican habits and institutions, that illustrated the Pass of Thermopylæ. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus, having for its

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object the encouragement of that very spirit. Attica was full of slaves, yet the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other soil than that which the genial sun of Republican freedom illuminated and warmed, could have produced such men as Leonidas and Miltiades, Themistocles and Epaminondas? Of Rome it would be superfluous to speak at large. It is sufficient to name the mighty mistress of the world, before Sylla gave the first stab to her liberties and the great dictator accomplished their final ruin, to be reminded of the practicability of union between civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a State in which "Liberty has a temple in every house, an altar in every heart," while involuntary servitude is seen in every direction. Is it denied that those States possess a republican form of government? If it is, why does our power of correction sleep? Why is the Constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slaveholding State, with the discussion of the *nigra canora* (for so I think them) that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their arguments must lead, if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland, and all the South, and a great portion of the West, from the Union?

My honorable friend from Virginia, sir, has no business here, if this disorganizing creed be the production of any thing but a heated brain. The State to which I belong must "perform a lustration"—must purge and purify herself from the scum of civil slavery, and emulate the States of the North in their zeal for throwing down the gloomy idol which we are said to worship, before her Senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule; or, rather, (as the gentlemen express it,) that they have no *disposition* to apply the rule to them. There can be no exceptions, by implication only, to such a rule; and expressions which justify the exemption of the old States by inference, will justify the exemption of Missouri, unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject, is somewhat alarming. They have no *disposition* to meddle with slavery in the old United States. Perhaps not; but who shall answer for their successors? Who shall furnish a pledge that the principle, once ingrafted into the Constitution, will not grow, and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery, wheresoever it finds it. New States, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who

still continue to tolerate it, although no practicable means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed, upon a subject as to which so many selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle, why is it so? There can be no other answer, (which these zealous enemies of slavery can use,) than, that the Constitution recognises slavery as existing, or capable of existing in those States. The Constitution, then, admits that slavery and a republican form of Government are not incongruous. It associates and binds them up together, and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But, sir, the Constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new State, as well as in an old one, since the language in which it recognises slavery comprehends new States as well as actual. I trust, then, that I shall be forgiven if I suggest that no eccentricity in argument can be more trying to human patience than a formal assertion that a Constitution, to which slaveholding States were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property, and even for an augmentation of it, by a temporary importation from Africa, a clause commanding Congress to guaranty a republican form of government to those very States, as well as to others, authorizes you to determine that slavery and a republican form of government cannot co-exist.

But if a republican form of government is that in which all the men have a share in the public power, the slaveholding States will not alone retire from the Union. The constitutions of some of the other States do not sanction universal suffrage, or universal eligibility. They require citizenship, and age, and a certain amount of property, to give a title to vote or to be voted for; and they who have not those qualifications are just as much disfranchised, with regard to the Government and its power, as if they were slaves. They have civil rights, indeed, (and so have slaves, in a less degree,) but they have no share in the Government. Their province is to obey the laws, not to assist in making them. All such States must, therefore, be *forisfami-liated* with Virginia and the rest, or change their system; for the Constitution, being absolutely silent on those subjects, will afford them no protection. The Union might thus be reduced from an Union to an unit. Who does not see that such conclusions flow from false notions; that the true theory of a republican Government is mistaken; and that, in such a Government, rights, political and civil, may be qualified by the fundamental law, upon such inducements as the freemen of the country deem sufficient? That civil rights may be qualified, as well as political, is proved by a thousand examples. Minors, resident aliens, who are in a course of naturalization—the other sex, whether

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maids, or wives, or widows, furnish sufficient practical proof of this.

Again, if we are to entertain these hopeful abstractions, and to resolve all establishments into their imaginary elements in order to recast them upon some Utopian plan, and if it be true that all the men in a republican Government must help to wield its power, and be equal in rights, I beg leave to ask the honorable gentleman from New Hampshire—and why not all the *women*? They, too, are God's creatures, and not only very fair, but very rational creatures; and our great ancestor, if we are to credit Milton, accounted them the "wisest, virtuous, discreetest, best," although, to say the truth, he had but one specimen from which to draw his conclusion, and, possibly, if he had had more, would not have drawn it at all. They have, moreover, acknowledged civil rights in abundance, and, upon abstract principles, more than their masculine rulers allow them, in fact. Some monarchies, too, do not exclude them from the throne. We have all read of Elizabeth of England, of Catharine of Russia, of Semiramis, and Zenobia, and a long list of royal and imperial dames, about as good as an equal list of royal and imperial lords. Why is it that their exclusion from the power of a popular Government is not destructive of its republican character? I do not address this question to the honorable gentleman's gallantry, but to his abstraction, and his theories, and his notions of the infinite perfectibility of human institutions, borrowed from Godwin, and the turbulent philosophers of France. For my own part, sir, if I may have leave to say so much in the presence of this mixed, uncommon audience, I confess I am no friend to female government, unless, indeed, it be that which reposes on gentleness, and modesty, and virtue, and feminine grace and delicacy; and how powerful a government that is, we have all of us, as I suspect, at some time or other, experienced. But if the ultra republican doctrines which have now been broached should ever gain ground among us, I should not be surprised if some romantic reformer, treading in the footsteps of Mrs. Wolstonecraft, should propose to repeal our republican law *salique*, and claim for our wives and daughters a full participation in political power, and to add to it that domestic power which, in some families, as I have heard, is as absolute and unrepugnant as any power can be.

I have thus far allowed the honorable gentlemen to avail themselves of their assumption that the Constitutional command to guaranty to the States a republican form of government, gives power to coerce those States in the adjustment of the details of their constitutions upon theoretical speculations. But, surely, it is passing strange that any man, who thinks at all, can view this salutary command as the grant of a power so monstrous; or look at it in any other light than as a protecting mandate to Congress to interpose with the force and authority of the Union against that violence and usurpation by which a member of it might otherwise be oppressed by profligate and powerful individuals, or ambitious and unprincipled factions.

In a word, the resort to this portion of the Con-

stitution for an argument in favor of the proposed restriction, is one of those extravagances (I hope I shall not offend by this expression) which may excite our admiration, but cannot call for a very rigorous refutation. I have dealt with it accordingly, and have now done with it.

We are next invited to study that clause of the Constitution which relates to the migration or importation, before the year 1808, of such persons as any of the States then existing should think proper to admit. It runs thus "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

It is said that this clause empowers Congress, after the year 1808, to prohibit the passage of slaves from State to State, and the word "migration" is relied upon for that purpose.

I will not say that the proof of the existence of a power by a clause which, as far as it goes denies it, is always inadmissible; but I will say that it is always feeble. On this occasion, it is singularly so. The power, in an affirmative shape, cannot be found in the Constitution; or, if it can, it is equivocal and unsatisfactory. How do the gentlemen supply this deficiency? By the aid of a negative provision in an article of the Constitution, in which many restrictions are inserted *ex abundantia cautela*, from which it is plainly impossible to infer that the power to which they apply would otherwise have existed. Thus—"No bill of attainder or *ex post facto* law shall be passed." Take away the restriction, could Congress pass a bill of attainder, the trial by jury in criminal cases being expressly secured by the Constitution? The inference, therefore, from the prohibition in question, whatever may be its meaning, to the power which it is supposed to restrain, but which you cannot lay your finger upon with any pretensions to certainty, must be a very doubtful one. But the import of the prohibition is also doubtful, as the gentlemen themselves admit. So that a doubtful power is to be made certain by a yet more doubtful negative upon power—or rather, a doubtful negative, where there is no evidence of corresponding affirmative, is to make out the affirmative and to justify us in acting upon it, in a matter of such high moment, that *questionable* power should not dare to approach it. If the negative were perfectly clear in its import, the conclusion which has been drawn from it would be rash, because it might have proceeded, as some of the negatives in whose company it is found evidently did proceed, from great anxiety to prevent such assumptions of authority as are now attempted. But, when it is conceded that the supposed import of this negative (as to the term *migration*) is ambiguous, and that it may have been used in a very different sense from that which is imputed to it, the conclusion acquires a character of boldness, which, however some may admire, the wise and reflecting will not fail to condemn.

In the construction of this clause, the first re-

mark that occurs is, that the word *migration* is associated with the word *importation*. I do not insist that *noscitur a sociis* is as good a rule in matters of interpretation as in common life; but it is, nevertheless, of considerable weight when the associated words are not qualified by any phrases that disturb the effect of their fellowship; and unless it announces, (as in this case it does not,) by specific phrases combined with the associated term, a different intention. Moreover, the ordinary unrestricted import of the word *migration* is what I have here supposed. A removal from district to district, within the same jurisdiction, is never denominated a *migration* of persons. I will concede to the honorable gentlemen, if they will accept the concession, that ants may be said to migrate when they go from one ant-hill to another at no great distance from it. But even then they could not be said to migrate, if each ant-hill was their home in virtue of some federal compact with insects like themselves. But, however this may be, it should seem to be certain that human beings do not *migrate*, in the sense of the Constitution, simply because they transplant themselves from one place, to which that Constitution extends, to another which it equally covers.

If this word *migration* applied to freemen, and not to slaves, it would be clear that removal from State to State would not be comprehended within it. Why then, if you choose to apply it to slaves, does it take another meaning as to the place from whence they are to come?

Sir, if we once depart from the usual acceptation of this term, fortified as it is by its union with another in which there is nothing in this respect equivocal, will gentlemen please to intimate the point at which we are to stop? *Migration* means, as they contend, a removal from State to State, within the pale of the common Government. Why not a removal, also, from county to county within a particular State—from plantation to plantation—from farm to farm—from hovel to hovel? Why not any exertion of the power of locomotion? I protest I do not see, if this arbitrary limitation of the natural sense of the term *migration* be warrantable, that a person to whom it applies may not be compelled to remain immovable all the days of his life (which could not well be many) in the very spot, literally speaking, in which it was his good or his bad fortune to be born.

Whatever may be the latitude in which the word "persons" is capable of being received, it is not denied that the word "importation" indicates a bringing in from a jurisdiction foreign to the United States. The two *termini* of the *importation*, here spoken of, are a foreign country and the American Union—the first the *terminus a quo*, the second the *terminus ad quem*. The word *migration* stands in simple connexion with it, and, of course, is left to the full influence of that connexion. The natural conclusion is, that the same *termini* belong to each, or, in other words, that if the *importation* must be abroad, so also must be the *migration*—no other *termini* being assigned to the one which are not manifestly characteristic of the other. This conclusion is so obvious, that, to repel it, the word

migration requires, as an appendage, explanatory phraseology, giving to it a different beginning from that of *importation*. To justify the conclusion that it was intended to mean a removal from State to State, each within the sphere of the Constitution in which it is used, the addition of the words from one to another State in this Union, were indispensable. By the omission of these words, the word "migration" is compelled to take every sense of which it is fairly susceptible from its immediate neighbor "importation." In this view it means a coming, as "importation" means a bringing, from a foreign jurisdiction into the United States. That it is susceptible of this meaning, nobody doubts. I go further. It can have no other meaning in the place in which it is found. It is found in the Constitution of this Union—which, when it speaks of *migration* as of a general concern, must be supposed to have in view a migration into the domain which itself embraces as a General Government.

Migration, then, even if it comprehends slaves, does not mean the removal of them from State to State, but means the coming of slaves from places beyond their limits and their power. And if this be so, the gentlemen gain nothing for their argument by showing that slaves were the objects of this term.

An honorable gentleman from Rhode Island, (Mr. BURRILL,) whose speech was distinguished for its ability, and for an admirable force of reasoning, as well as by the moderation and mildness of its spirit, informed us, with less discretion than in general he exhibited, that the word "migration" was introduced into this clause at the instance of some of the Southern States, who wished by its instrumentality to guard against a prohibition by Congress of the passage into those States of slaves from other States. He has given us no authority for this supposition, and it is, therefore, a gratuitous one. How improbable it is, a moment's reflection will convince him. The African slave trade being open during the whole of the time to which the entire clause in question referred, such a purpose could scarcely be entertained; but if it had been entertained, and there was believed to be a necessity for securing it, by a restriction upon the power of Congress to interfere with it, is it possible that they who deemed it important would have contented themselves with a vague restraint, which was calculated to operate in almost any other manner than that which they desired? If fear and jealousy, such as the honorable gentleman has described, had dictated this provision, a better term than that of "migration," simple and unqualified, and joined, too, with the word "importation," would have been found to tranquilize those fears and satisfy that jealousy. Fear and jealousy are watchful, and are rarely seen to accept a security short of their object, and less rarely to shape that security, of their own accord, in such a way as to make it no security at all. They always seek an explicit guaranty; and that this is not such a guaranty this debate has proved, if it has proved nothing else.

Sir, I shall not be understood, by what I have said, to admit that the word *migration* refers to

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slaves. I have contended, only, that if it did refer to slaves, it is, in this clause synonymous with *importation*; and that it cannot mean the mere passage of slaves, with or without their masters, from one State in the Union to another.

But I now deny that it refers to slaves at all. I am not for any man's opinions or his histories upon this subject. I am not accustomed *jurare in verba magistris*. I shall take the clause as I find it, and do my best to interpret it. * * *

[NOTE.—After going through with that part of his argument relating to this clause of the Constitution, which it is impossible to restore from the imperfect notes, Mr. PINKNEY concluded by expressing a hope that (what he deemed) the perilous principles urged by those in favor of the restriction upon the new State would be disavowed or explained, or that, at all events, the application of them to the subject under discussion would not be pressed, but that it might be disposed of in a manner satisfactory to all by a prospective prohibition of slavery in the territory to the north and west of Missouri.]

When Mr. PINKNEY had concluded, the subject was postponed, on the motion of Mr. OTIS.

WEDNESDAY, February 16.

Mr. LEAKE, from the Committee on Indian Affairs, to whom was referred the resolution of the Senate respecting the trade and intercourse with the Indian tribes, made a report, accompanied by a bill for the better regulation of the trade with the Indian tribes; and the report and bill were read, and the bill passed to the second reading.

Mr. TRIMBLE communicated the resolutions of the Legislature of the State of Ohio, agreeing to an amendment of the Constitution of the United States, proposed by the State of Pennsylvania, confining the power of Congress in establishing any bank or other moneyed institution to the District of Columbia; and the resolutions were read.

Mr. HORSEY gave notice that to-morrow he should ask leave to bring in a bill to extend the existing charter of the city of Washington to the end of the present session of Congress.

The Senate resumed the consideration of the motion of the 14th instant, for information relatively to the securities given by certain officers of the Government, together with certain other information as may tend to show the expediency or in-expediency of altering the laws for appointing the same, and agreed thereto.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom the subject was referred, reported a bill further to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon; and the bill was read, and passed to the second reading.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing, by law, for the purchase of a sufficient number of fit vessels to protect the commerce of the United States in the Gulf of Mexico, and to prevent smuggling on the coast of Louisiana.

The bill for the relief of Bowie and Kurtz, and others, was read the second time.

THE MISSOURI QUESTION.

The Senate resumed, as in Committee of the Whole, (Mr. BURRILL in the Chair,) the consideration of the Missouri question.

Mr. KING, of New York, again rose and spoke more than one hour in support of the opinions which he had previously advanced on the right and expediency of restricting Missouri as to slavery, and in answer to the gentlemen who had replied to his previous remarks.

Mr. LOGAN, of Kentucky, followed, and spoke a short time in reply to Mr. KING.

Mr. SMITH said, he had entertained a hope that some other member of the Senate would have replied to the gentleman from New York, who had just sat down. But this debate had been so protracted, he could find no gentleman disposed to do so; therefore, he would do it himself, rather than it should go unnoticed. In doing so, he would examine his arguments, and make such reply as they appeared to merit.

The gentleman had said: "Why not admit 'Maine? Nobody objects to Maine. You held 'out an invitation to her, and the people would expect it, and would not be satisfied if you rejected 'her."

Mr. President, the people of Massachusetts are so far from wishing Maine as a separate State, when the question was submitted to them, they voted down the scheme, and said the State of Massachusetts should remain entire. But, sir, whenever Missouri applied for admission, the Legislature of that State, to keep up what the gentleman calls the balance of political power, immediately passed a law to authorize the division. Preparatory to such a measure, the gentleman himself, during the last session of Congress, after he had taken a very active part to reject Missouri, brought forward a navigation bill for the accommodation of Maine, when she should become a State; and this is what he is pleased to call holding out an invitation. This was a measure adopted to keep pace in political power, if Missouri could not be kept out. This was the course pursued by New York when Vermont petitioned to become a separate State. The application of Vermont could not be heard, until Kentucky petitioned also, and then New York gave her consent at once; and a struggle ensued which should be admitted first, and Vermont prevailed.

The discontent of the people was still kept up; he believed we were never to hear the last of it. The gentleman had reiterated in every speech he had made before the Senate. If the people were let alone, they would do right. But, it is found to be expedient to keep up the excitement by some means, because they are a necessary instrument in this business, if they can be brought to bear on it. The gentleman from New York, and the Governor of that State, who had taken a very active out-door share in this question, had tried on this occasion which could excite the people the most. One seemed to fear the other should outdo him. The

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people of that State were first goaded on to hunt down the man who had taken so distinguished a part in the late war with Great Britain; it was time to blot this from his escutcheon; otherwise he might become too formidable. This was to take care of the home department; there was no further use for him now, and he must be put down. Their artillery is next turned upon the South and the West, and the pretext is, opposition to the extension of slavery. The people are led to believe that the Southern and Western States are endeavoring to open afresh the African slave trade, and the North and East were to be swallowed up by Africans. If the real fact had been stated, that the question was nothing more than whether the citizens of the United States who now lived in Missouri, and owned slaves, should be at liberty to keep them there, or whether they should be set free over their masters' heads, the subject would have been a plain one, and the people would have reasoned for themselves. Therefore, it is necessary to magnify the impending evil, or the people would have retained their senses, and this farce could not have been kept up.

Mr. S. said he would trace this excitement of the people to its source. It originated in the city of New York. On the 17th of November last, Mr. P. A. Jay and Co. called a meeting in that city, and, by some ready-made resolves, which they brought in their pockets, they induced the people to believe that Missouri, in applying, as all other territories had done, to become a State, had no other motive for doing so than that of extending slavery. This committee wrote a letter to the gentleman whom you have just heard, to furnish them with his speeches which he had delivered in the Senate, on the restriction of slavery, last Winter. On the 22d, which was only five days after the application, he furnished the speeches. It is certainly worthy of remark, that it is a little unusual for a dignified Senator of this body to publish his speeches for the purpose of popular excitement. These speeches, and a letter containing not more than twenty lines, wrote by the Honorable John Jay, who was now in his dotage, furnished the text-book, which, in the hands of this self-created assembly, commenced this excitement. These text-books were published in every newspaper throughout the Northern and Eastern States. They were accompanied by the most violent resolves against slavery and slaveholders, until the people became inflamed as far as that part of the project could be carried on.

Then, sir, comes your cross-road meetings and your tavern meetings—your town meetings and your city meetings. These were called wherever they could muster animation enough. Add to these the pamphlets of Marcus, Raymond, and fifty other scribblers, sending forth their venom. The whole of this group poured forth their abuse, and left the constitutionality on the authority of the two speeches and the little letter. These speeches, the little letter, the cross-road resolves, and the envenomed pamphlets, were sent on the wings of the wind throughout all the Northern and Eastern States; and at least five hundred tin wagons were sent with them to the South and West.

This is a literal description of the scene which had been played off. With all this, sir, the gentleman would seem to be tremendously afraid of the people.

As this question had advanced in the discussion, the gentleman had advanced in the extravagance of his positions. He had laid the Constitution out of the question, and trampled it under foot, in his first speech of the session. He had now seemed to doubt his laws of nature, that were so conclusive with him but a few days ago. He had, in the speech which he had just delivered, gone solely on the ground of his feelings, political convenience, and political power, intermingled with illiberal reproaches. Our country must be in awful peril, and our Government approximating with rapidity to dissolution, when members of this Senate, who have taken a solemn oath to defend the Constitution, before they were permitted to take their seats here, lay aside that Constitution to give place to their feelings, to this political convenience, and the acquisition of political power. Are gentlemen, in legislating in the ordinary way, on a familiar subject, to get round the Constitution, by telling you what they wish it to be, instead of telling you what it is? Is this defending the Constitution, within the oath we have taken? If your Constitution is to be twisted to every man's purpose, it will be mere waste paper, except in the hands of designing intriguers, who wish to mould the Government to their own ambitious views. The gentleman has said, "he feels himself degraded in the Senate; that he is not upon an equal footing with gentlemen from a slave-holding State. He represents a State of freemen; they represent a state of freemen and slaves."

Mr. S. said this declaration of the gentleman could receive no reply, because it deserved none but such as would not be tolerated by the rules of that Senate. The gentleman had, with the same deliberate composure, told the Senate, "the people who held slaves were indolent and inactive. They had slaves to work for them; therefore, they would not work for themselves. By this means, the energies of the Government must become enfeebled and relaxed. The Northern people attended to their own business; they were always engaged in some active employment."

Mr. President, is this a language for a gentleman to utter in this Hall, in his Senatorial character, who ought to employ all the faculties of his mind, and all the powers of his eloquence, to appease every ferment that should, in any degree, tend to relax the bonds of this Union? Instead of this, the gentleman has sought every opportunity to indulge all the fanciful arguments of his imagination, that could lead to rouse unfriendly and hostile feelings between different sections of the nation. But the gentleman is under an egregious mistake in his facts. The people of the South and West are as much in the habit of industry as any people in America. There are few persons among them, whether they own slaves or not, who are not so. Where he got his information he did not relate, but it is probable he got it from some pamphlet writer. The gentleman himself, perhaps, had little

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to do but to attend bank meetings, and look, now and then, into the management of his bank stock. This could give him no great deal to boast of, as respected industrious habits, whatever other habits it might inspire. He says, "these gentlemen who wish to extend slavery to Missouri, are obliged to be constantly on the watch against the insurrection of their own slaves. They were alarmed at the toll of every bell."

This was as unfounded as any position he had advanced. We had nothing to fear, sir, if unprincipled incendiaries would mind their own business, and let our slaves alone. If the gentleman pursued the course he had set out on, he might succeed in producing this state of things in time; but he ought to be amongst the last to tell us of it, as he had been amongst the first to excite it. Almost all the gentlemen who had opposed the admission of Missouri, and especially the gentleman from New York, had urged, with much zeal, the impolicy of extending slavery, because it destroyed your military character. He says, "if you tolerate this extension of slavery, you must diminish your white population in proportion, and, in time of war, instead of supplying their proportion of military strength, the free States will have to defend your country, and protect the slaveholding States at the same time."

Mr. President, all the resolutions of the cross-road meetings, and of the town meetings, and of the primary assemblies, and all the pamphlet writers, from Marcus to Mr. *Philadelphia*, had held the same language. Sir, during the Revolutionary war, the people of the slaveholding States fought your principal battles, and found no inconvenience from their slaves; their slaves were useful, and participated with their masters, in many respects, in the burdens of the war. These gentlemen of the Senate, and among them the gentlemen of New York, and these resolvers, and the pamphlet writers, had all been silent about the military strength of the nation, whilst we were engaged in our last war. As a test of the military strength furnished from the different sections of the Union, it would not prove, to their satisfaction, the correctness of their position.

Mr. S. said, he had been induced to forbear any comparisons of the military services rendered by the different sections of the Union in aid of that war, because he had desired to discuss this question upon its own merits; but, whenever the gentleman from New York had been drove from one ground, he had taken another, and had finally taken shelter under this military protection. To drive the gentleman from this ground, also, he felt it his duty now to examine who fought your battles during that war.

Among the non-slaveholding States, as they are pleased to call themselves, Pennsylvania and Ohio form exceptions. To their immortal honor, they could not be reduced. With these exceptions, sir, instead of the free States, of which the gentleman so often speaks, furnishing a military force to repel the enemy, they withdrew themselves entirely from the contest, and afforded you neither men nor money. That very Mr. Oakley, who,

to augment that frenzy already raging in New York, declared, that since this subject had been before Congress, that slavery did not exist now in the United States, did, at the Summer session of eighteen hundred and thirteen, which was convened for the express purpose of devising means for raising money to support that war, declare, in his place, in a public debate in Congress, that "he did hope no Federalist, who had loaned money to the Government for the purpose of carrying on that war, would ever recover it again."

In time of that war, sir, a revenue of six hundred thousand dollars was raised, by a tax levied by your Government on these slaves, and their masters fought your battles. The Southern and Western people, by their own means, and with their own hands, raised their fortifications to resist the public enemy. These very slaveholders, whom the gentleman from New York tells you cannot work, by their own personal labor raised you works for public defence that would do honor to any nation. Where, sir, was that gentleman at work? He felt himself safe, sir, within the public works in New York. That State had found means of obtaining from this Government as much money as all the rest of the nation had done, and had no occasion to work. Where were your regular armies raised, sir? Why, they were raised in the slaveholding States, with the exception of Pennsylvania and Ohio. And where were your armies employed? They were employed on the frontier of New York, to shield it from the ravages of the enemy; and in Canada, to protect the New England States. Mr. S. said, there were five companies of regular soldiers enlisted in his own neighborhood, who were marched off to the North, where all your regular armies went, with very little exception; and these slaveholding States, as that gentleman would say, were left to take care of their slaves, and to fight the enemy themselves, without any aid from the public resources.

While a ruthless enemy were endeavoring to sack and burn every town and city belonging to the Southern and Western States, who defended them? They were defended by militia raised among themselves, who fought and brought into complete subjection, not only the numerous Indian tribes bordering on a long frontier, that were so formidable to the safety of your women and children, whilst their husbands and fathers had gone to Sackett's Harbor, Plattsburg, and Canada, to give safety to your free States. Who dislodged the enemy at Pensacola? A force raised from the States which the gentleman tells you are alarmed at every bell that tolls. Who fought the battle of the eighth of January, of New Orleans? The people from these same States, who left their families and plantations at a minute's warning—a raw militia—and triumphed over the invincibles of Europe, in a manner that had astonished the world.

This was a war, sir, to raise you from the dust in which you had been trampled by every foreign nation which chose to set its foot on you. This was a war on which Heaven itself smiled. It restored to you a just character amongst nations. It gave you an elevation which fifty years of peace,

in the humiliating and degraded condition in which the gentleman's free States wished to keep you, could not have done. In the midst of this war, when the slaveholding States supplied your regular army to the North, and an efficient militia at home obeyed every order of Government with promptness and alacrity, and drove the enemy from your borders, what was the military front which the gentleman's free States presented? The Governors of these free States, sir, were consulting the Constitution, to ascertain whether they were authorized to call out the militia by it, or not; and they consulted until the war terminated, and their military strength resulted in insult to the rest of the Union. These free States were trading at their ease, under British license and British proclamations. In these free States there were men of unrivalled patriotism, who never lost sight of the public good; but they were an overwhelmed minority. These free States, and their adherents in their neighboring States, at the time of the greatest pressure of that war, formed a project to defeat you, if the enemy could not. They called a convention, for the purpose, as they say, among other things, in a resolution of the Legislature of Massachusetts—

"More effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation."

Sir, whilst the slaveholding States were doing honor to your nation, by their military achievements, these free States were devising means to subvert your rights, and take from you your representation, by the very means which are now in agitation. This legislative resolution can refer to nothing else. A meeting of the citizens of the city of New York was called in August, 1813, at which the honorable gentleman (Mr. KING) and the late Chief Justice Jay officiated. They offered their resolutions expressive of the strongest disapprobation of the war, and predicting its unhappy issue. They declared—

"That the question of peace or war involves all that is dear or valuable on this side the grave; that representatives be chosen in the several counties, discreet men, the friends of peace, to confer with each other, and co-operate with the friends of peace in our sister States, in devising and pursuing such Constitutional measures as may secure our independence and preserve our Union; both of which are endangered by the present war."

These are the gentlemen who tell you, in time of war they must not only defend the nation against a foreign enemy, but protect you against your own slaves. These are the gentlemen who tell you, when it becomes necessary for your internal protection, they will send you help. From such help may we be kindly protected! There is no help so remote as that which is determined never to come to your relief.

Mr. S. said he had made these remarks, not so much with a view to show that Missouri was, by the Constitution, entitled to her admission, as to demonstrate the futility of the arguments of the gentleman, which had not even a reference to the Constitution, he having laid that aside. The facts

as respected the resolution of the Legislature of Massachusetts, for calling a convention of the New England States, and the resolutions of the New York meeting, to procure a peace representation in the midst of a glorious war, he derived them from the publication of a member of the Hartford Convention, published a few days ago, in the National Intelligencer, for the examination of the public.

Mr. LLOYD likewise spoke a short time in reply to Mr. KING.

Mr. KING, of New York, Mr. PINKNEY, Mr. BARBOUR, and Mr. MELLEN, respectively added a few remarks; when the question was taken on concurring in the amendment reported by the Judiciary Committee, (to unite the Maine and Missouri bills in one bill,) and decided in the affirmative, by yeas and nays, as follows:

For uniting the bills—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Macon, Pinkney, Pleasants, Smith, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—23.

Against uniting the bills—Messrs. Burrill, Dana, Dickerson, Horsey, Hunter, King of New York, Janman, Lowrie, Mellen, Morrill, Noble, Otis, Palmer, Parrott, Roberts, Ruggles, Sanford, Tichenor, Trimble, Van Dyke, and Wilson—21.

Mr. THOMAS, of Illinois, then offered an amendment to the Missouri branch of the bill, proposing, in substance, to prohibit slavery in all the territory beyond the Mississippi, north of thirty-six and a half degrees of north latitude, excepting within the limits of the proposed State of Missouri.

Mr. BARBOUR, of Virginia, moved to amend the amendment by striking out thirty-six and a half degrees, and inserting, as the line north of which slavery should hereafter be excluded, the fortieth degree of north latitude.

The motion was supported by the mover, and opposed by Mr. EDWARDS, of Illinois; and after a short discussion, the motion was negatived—three or four only rising in favor of it.

Mr. EATON then offered, as a substitute to Mr. THOMAS's amendment, a section prescribing the same limits beyond which slavery shall not be allowed, but made applicable to the same, only "while said portion of country remains a Territory." A substitute for the amendment not being in order, according to the rules of the Senate, Mr. EATON withdrew his proposition.

Mr. TRIMBLE, of Ohio, next proposed to amend Mr. THOMAS's amendment, substantially, by making it to apply to all the country west of the Mississippi, except so much as is comprehended within the State of Louisiana and the proposed State of Missouri.—Rejected.

After considerable discussion, but before the question was put on the amendment of Mr. THOMAS, the subject was postponed until to-morrow; and the Senate adjourned.

THURSDAY, February 17.

A message from the House of Representatives informed the Senate that the House have passed

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a bill entitled "An act to continue in force for a further time the act entitled 'An act for establishing trading-houses with the Indian tribes,'" in which bill they request the concurrence of the Senate.

The said bill was read, and passed to the second reading.

On motion by Mr. SANFORD, the Committee on Finance, to whom was referred the memorial of a number of merchants and others, of Philadelphia, and also the memorial of James Wood and others, merchants, of Philadelphia, respecting sales at auction, were discharged from the further consideration thereof, and they were respectively referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The PRESIDENT communicated the memorial of Gaudry and Dufaure, merchants, of Savannah, stating that they are indebted to the United States on bonds, for duties on Madeira wine which was destroyed by fire, and praying that said bonds may be cancelled; and the memorial was read, and referred to the Committee on Finance.

The PRESIDENT also communicated the memorial of Robert Young and Richard Bland Lee, judges of the orphans' courts in the District of Columbia, complaining of the present organization and condition of the said courts, and praying the same may be amended; and the memorial was read, and referred to the Committee on the Judiciary.

Mr. ROBERTS presented three memorials, signed by a number of the merchants and citizens of Philadelphia, on the subject of duties on sales at auction; and the memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. VAN DYKE, from the Committee of Claims, to whom was referred the petition of Theron Freeman, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Joseph McNeil, of Louisiana, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. NOBLE presented the petition of Richard Butler and others, praying pensions; and the petition was read, and referred to the Committee on Pensions.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the petition of Richard Willcox, praying for a law to secure to him the exclusive benefit of the invention of a portable rotary oven, reported a bill authorizing the Secretary of State to issue letters patent to Richard Willcox; and the bill was read, and passed to the second reading.

Mr. NOBLE communicated a resolution of the State of Indiana for a continuation of the national road from Wheeling, in Virginia, to St. Charles, on the Missouri river; and the resolution was read, and referred to the Committee on Roads and Canals.

On motion by Mr. JOHNSON, of Louisiana,
Ordered, That the report of the commissioners

appointed to examine and assess the damages occasioned by the troops of the United States in the neighborhood of the city of New Orleans by the quartermaster general of the seventh military district, in obedience to a general order of Major General Jackson, be printed for the use of the Senate.

The bill further to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon, was read the second time.

The Senate resumed the consideration of the motion of the 16th instant, for instructing the Committee on Naval Affairs to inquire into the expediency of providing, by law, for protecting the commerce of the United States in the Gulf of Mexico, and to prevent smuggling on the coast of Louisiana, and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Noah Brown and others; and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Martha Youngs and others; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and, on motion by Mr. Mellen, the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Christopher Fowler; and the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

Mr. HORSEY asked and obtained leave to bring in a bill further to extend the charter of the City of Washington; and the bill was read, and passed to the second reading.

The Senate then resumed the consideration of

THE NEW STATES' BILL

The following amendment, offered by Mr. THOMAS, and pending when the Senate adjourned yesterday, being still under consideration:

"And be it further enacted, That the sixth article of compact of the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio, shall, to all intents and purposes be, and hereby is, deemed and held applicable to, and shall have full

force and effect in and over, all that tract of country ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act."

Mr. THOMAS withdrew this amendment, and offered the following as a new section:

"*And be it further enacted*, That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

Mr. TRIMBLE moved to amend said proposed amendment, by striking out after the word "that," in the first line, the following: "territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act;" and inserting in lieu thereof the following: "All that part of Louisiana (as ceded by France to the United States) which lies west of the Mississippi river, except that part which is contained in the State of Louisiana, and except that part of the territory which lies north of the State of Louisiana, and east of the seventeenth or ninety-fourth degree of west longitude, agreeably to Melish's map, and south of the line which may be established for the northern boundary for the proposed State of Missouri;" (in substance, to exclude slavery from the whole country west of the Mississippi, except in Louisiana, Arkansas, and Missouri.)

This motion was, after some discussion, decided in the negative, by yeas and nays, as follows:

For Mr. Trimble's amendment—Messrs. Burrill, Dana, Dickerson, Horsey, Hunter, King of New York, Lanman, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Roberts, Ruggles, Sanford Tichenor, Trimble, Van Dyke, and Wilson—20.

Against it—Messrs. Barbour, Brown, Eaton, Elliot, Edwards, Gaillard, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Macon, Noble, Pinkney, Pleasants, Smith, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—24.

The question then recurred on Mr. THOMAS's amendment, which is in the following words:

"*And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of

the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

On the adoption of this amendment the question was taken by yeas and nays, and determined in the affirmative, as follows:

For the amendment—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Leake, Lloyd, Logan, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Pinkney, Roberts, Ruggles, Sanford, Stokes Thomas, Tichenor, Trimble, Van Dyke, Walker of Alabama, Williams of Tennessee, and Wilson—34.

Against the amendment—Messrs. Barbour, Elliot, Gaillard, Macon, Noble, Pleasants, Smith, Taylor, Walker of Georgia, and Williams of Mississippi—10.

Mr. TRIMBLE then moved to amend the bill, so as to bring the north line of the State of Missouri about half a degree south of the line proposed; with the view, as he stated, substantially, to give to the State which shall hereafter be formed north of the Missouri, a share of the fine valley of the Des Moines, of which he spoke from personal knowledge, particularly as the Missouri State will possess both sides of the Missouri river, which runs nearly through its middle, from its east to its western boundary.

This motion was negatived; and, after some other amendments necessary to make the parts of the bill conform to each other, the question was taken on ordering the bill, as amended, to be engrossed and read a third time, and decided by yeas and nays, as follows:

Yeas—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Parrott, Pinkney, Pleasants, Stokes, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee—24.

Nays—Messrs. Burrill, Dana, Dickerson, King of New York, Lanman, Lowrie, Macon, Mellen, Morrill, Noble, Otis, Palmer, Roberts, Ruggles, Sanford, Smith, Taylor, Tichenor, Trimble, and Wilson—20.

So the bill was ordered to be engrossed and read a third time to-morrow.

FRIDAY, February 18.

The PRESIDENT communicated the report of the Secretary of State, to whom by a resolution of the Senate was referred, on the 16th of February last, the memorial of Joseph Krittman; and the report was read.

Mr. Mellen submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route in the District of Maine, leading from Waldoborough, through Union, Hope, Searsmont, and Belmont, to Belfast.

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Mr. ELLIOT presented the memorial of John Shellman, merchant of Savannah in Georgia, stating that he is indebted to the United States on bonds, for duties on merchandise which was consumed by fire, and praying to be released from the payment thereof; and the memorial was read, and referred to the Committee on Finance.

Mr. JOHNSON, of Louisiana, presented the petition of Susan Berzat, an inhabitant of the State of Louisiana, widow and relict of Gabriel Berzat, deceased, praying the confirmation of the title to a certain tract of land, improved and cultivated during the lifetime of her deceased husband; and the petition was read, and referred to the Committee on the Public Lands.

Mr. ROBERTS presented the memorial of a number of merchants and citizens of Philadelphia, on the subject of duties on sales at auction; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

On motion by Mr. SMITH, the Committee on the Judiciary, to whom was referred the memorial of Robert Young and Richard Bland Lee, judges of the orphans' courts in the District of Columbia, were discharged from the further consideration thereof, and it was referred to the Committee on the District of Columbia.

Mr. KING, of Alabama, presented the petition of Sarah Smith, of St. Stephen's, in the State of Alabama, praying for remission of certain penalties and forfeitures to which her late husband's estate may be subject, in regard to his official conduct as receiver of public moneys east of Pearl river; and the petition was read, and referred to the Committee on Finance.

The bill for the better regulation of trade with the Indian tribes was read the second time.

The bill authorizing the Secretary of State to issue letters patent to Richard Willcox was read the second time.

The bill further to extend the charter of the City of Washington was read the second time.

On motion by Mr. ELLIOT, the Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of James Wood; and, on his motion, it was recommended to the same committee, further to consider and report thereon.

Mr. BURRILL gave notice that, at the next sitting of the Senate, he should ask leave to bring in a bill further to extend the judicial system of the United States; and also a bill more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians; and the further consideration thereof was postponed until Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the legal representatives of John O'Connor, deceased; and the further consideration thereof was postponed until Monday next.

The bill entitled "An act for the admission of

the State of Maine into the Union" was read a third time as amended, the blanks were filled, and the bill passed with amendments. The title being amended, so as to read "An act for the admission of the State of Maine into the Union, and to enable the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; and to prohibit slavery in certain Territories."

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Bowie and Kurtz and others; and the further consideration thereof was postponed until Wednesday next.

The Senate adjourned to Monday.

MONDAY, February 21.

Mr. SANFORD presented the petition of Thomas Ludlow Ogden, of the city of New York, on behalf of himself and others, owners of certain real estate at Sackett's Harbor, in the State of New York, which, during the late war with Great Britain, was used for public purposes, praying compensation and indemnity therefor; and the petition was read, and referred to the Committee of Claims.

Mr. ROBERTS presented the petition of Goetz and Westphal, praying further remuneration for one thousand and nineteen stands of arms furnished by them under contract; and the petition was read, and referred to the Committee of Claims.

Mr. BURRILL asked and obtained leave to bring in a bill further to extend the judicial system of the United States; and, also, a bill more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; and the bills were respectively read, and severally passed to the second reading.

Mr. THOMAS presented the memorial of the register and receiver of the land office at Shawneetown, praying an increase of compensation; and the memorial was read, and referred to the Committee on Public Lands.

Mr. NOBLE presented the memorial of the Legislature of the State of Indiana, respecting the location of certain sections of land for the use of schools, which have been previously disposed of; and the memorial was read, and referred to the same committee.

Mr. ROBERTS presented the petition of Alexander McCormick, of the city of Washington, praying indemnity for losses sustained by the destruction of his property by the invading enemy in August, 1814, as stated in the petition; which was read, and referred to the Committee of Claims.

Mr. STOKES communicated attested copies of two acts of the Legislature of the State of North Carolina, entitled "An act for removing logs, shoals, and other impediments, in Tar river, below the town of Washington, in the county of Beaufort, and for other purposes;" and, "An act to amend an act, passed in the year 1816, entitled 'An act for removing logs, shoals, and other impediments, in the Tar river, below the town of Washington, in the county of Beaufort, and for

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“other purposes,” and requesting the consent of the Congress thereto; and the acts were read, and referred to the Committee on Commerce and Manufactures.

Mr. ELLIOT communicated an attested copy of an act of the Legislature of the State of Georgia, entitled “An act to grant certain powers to the commissioners of pilotage for the port of Darien, and to authorize them to collect tonnage duty on vessels,” and requesting the consent of Congress thereto; and the act was read, and referred to the same committee.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the petition of Edward Baker, praying compensation for an improvement in gun-locks, made a report, accompanied by a resolution that the petitioner have leave to withdraw his petition. The report and resolution were read.

The bill entitled “An act to continue in force for a further time the act, entitled ‘An act for establishing trading-houses with the Indian tribes,’” was read the second time, and referred to the Committee on Indian Affairs.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Noah Brown and others; and, in concurrence therewith, the petitioners had leave to withdraw their petition.

The Senate resumed the consideration of the report of the Committee of Claims to whom was referred the petition of Samuel Hooker; and, on motion by Mr. WILSON, it was re-committed to the same committee, further to consider and report thereon.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Joseph McNeil; and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the motion of the 18th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a certain post road in the District of Maine, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the legal representatives of John O'Connor, deceased; and no amendment having been made thereto, it was reported to the House, and ordered to be read a third time.

The PRESIDENT communicated the report of the Secretary of the Treasury, to whom was referred, on the 7th instant, the petition of Jacob Barker, of the city of New York; and the report was read.

On motion by Mr. SANFORD, the said petition, together with the report thereon, was referred to the Committee of Claims.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing

the Secretary of State to issue letters patent to Richard Willcox; and the further consideration thereof was postponed until Friday next.

Mr. JOHNSON, of Louisiana, presented the petition of Rufus Easton, for himself and heirs of James Bruff, praying the confirmation of their title to a certain tract of land, as stated in the petition; which was read, and referred to the Committee on Public Lands.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the petition of Marc Marie Duplat, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted; and that the petitioner have leave to withdraw his petition.

The Senate resumed, as in Committee of the Whole, the consideration of the bill further to extend the charter of the City of Washington; and the same having been amended, it was reported to the House accordingly, and the amendment being concurred in, the bill was ordered to be read a third time.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending to the President of the Senate *pro tempore*, and to the Speaker of the House of Representatives, for the time being, the privilege of franking as at present by law enjoyed by the Vice President of the United States.

REMISSION OF DUTIES.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of Andrew Low, Robert Isaac, and James McHenry; the petition of John Tanner; the petition of J. E. White & Co.; the petition of Gaudry and Dufaure; and the petition of John Shillman, made a report, accompanied by a resolution that it is inexpedient to grant relief to the petitioners. The report is as follows:

The Committee of Finance have considered the petition of Andrew Low, Robert Isaac, and James McHenry; the petition of John Tanner; the petition of J. E. White & Co.; the petition of Gaudry and Dufaure; and the petition of John Shillman: and they submit to the Senate their report upon all these cases.

All the petitioners are merchants of the city of Savannah, in Georgia. On the 11th of last month, a great part of that city was destroyed by fire; the petitioners were owners of large quantities of imported merchandise, which was consumed by fire upon that occasion.

The three petitioners first named, composing the firm of Andrew Low & Co., lost by the fire imported goods amounting in value to more than \$150,000. Some part of these goods, or some part of their value, was insured against fire, but the valuation of \$150,000 excludes any sum insured, and appears to be an actual loss sustained by these petitioners. Of the duties on these goods, more than \$14,000 have been paid into the Treasury, and the balance of those duties, amounting to \$20,728 64, remains unpaid.

The petitioner John Tanner owes to the United States \$4,810 14 for duties on goods imported. He

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lost goods of the value of \$40,000; and of his stock of goods nothing more was saved from the fire than an amount of \$1,000 or \$1,500. He states that his goods were deposited in stores which were considered fire-proof; that therefore no insurance was made upon them; and that by this calamity he is rendered unable to pay his debts.

The petitioners J. E. White & Co., who are not named otherwise than by this compendious description, lost the whole of their stock in trade, consisting of foreign merchandise. They are indebted to the United States in the sum of about \$20,000, for duties which accrued upon a part of their merchandise which had been destroyed by fire. They state that they placed confidence in the security of a building believed to be fire-proof; that insurance was deemed unnecessary; and that, from a succession of losses, which they could not foresee or control, they are rendered unable to pay their debts.

The petitioners Gaudry and Dufaure lost a quantity of Madeira wine which they had imported. The duties on this wine are \$347, and they are still unpaid.

The petitioner John Shillman lost certain crockery, glass, and earthenwares, which he had imported. The duties on these articles, amounting to \$2,132 90, are yet unpaid.

It is stated that some of the petitioners have paid large sums to the United States for duties on imports, and that their former debts for duties have been punctually paid.

The petitioners Andrew Low & Co. pray that the duties remaining unpaid upon their goods which have been destroyed may be remitted; and that they may be authorized to import, without duty, an amount of goods equivalent to the amount of their goods which have been destroyed, and were not insured, and upon which the duties have been paid into the Treasury.

The petitioners John Tanner, J. E. White & Co., Gaudry & Dufaure, and John Shillman, pray that the duties for which they are respectively indebted may be remitted.

This Government has, in general, refused to afford relief in such cases. Like cases have frequently occurred; similar applications have been often made; and relief has always been refused, except in a very few instances.

In the case of a fire at Norfolk, in Virginia, and in the two cases of fire at Portsmouth, in New Hampshire, the credit for unpaid duties upon imported merchandise, which had been destroyed by those fires, was prolonged for one year. The relief was given by laws of the 19th February, 1803, the 19th March, 1804, and the 10th February, 1807.

By an act of Congress of the 9th of May, 1794, the duties on eleven hogsheads of coffee, which had been destroyed by fire at Baltimore, were remitted.

By an act of the 7th of June, 1794, the internal duties on certain distilled spirits, which had been destroyed by fire at Middlebury, in Vermont, were remitted.

In January, 1801, certain teas were destroyed by fire at Providence, in Rhode Island. Those teas had been deposited under the care of the officers of the customs, in order to secure the payment of the duties. By an act of the 3d of March, 1801, the duties on those teas were remitted.

These are the only instances, known to the committee, in which any relief whatever has been afforded by the Government to sufferers by fire.

The teas destroyed at Providence were in a peculiar situation. They were in the custody of the Government, for the purpose of securing the payment of the duties. Though the duties were a debt from the importer, and the teas were held at a risk, yet, as the merchandise was deposited in the warehouse by the Government itself, and was held there as the principal security for the duties, it seems to have been thought fit to release the importer from his personal responsibility, when the chief subject upon which the Government relied for payment had been destroyed.

If the relief granted in these several instances was proper, the like relief should be granted in all similar cases; but it is certain that, in numerous cases, exactly similar, all relief has been refused. In the opinion of the committee, this Government cannot afford relief, in such cases, upon any principles which are susceptible of general and impartial application.

The case of Joshua Nevill received the decision of the Senate on the 6th of the last month. In that case a mechanic of Charleston, in South Carolina, lost, in a general conflagration, the tools of his trade, which he had imported, and upon which the duties remained unpaid. It was a case of the strongest merit, in every view which can recommend such an application from a suffering citizen. But relief was refused, for public reasons, which appeared in the report of this committee made in that case.

It cannot be supposed that there is any obligation upon this Government to afford relief to those sufferers. Imported goods, like others, are, in situations, at the risk of their owners; whether the goods of a citizen are lost in a foreign country, or in their passage to this country, or after their arrival here; and whether they are consumed by fire, or destroyed or diminished in value by any other casualty, the Government is under no obligation to indemnify the owner. The citizen is protected in the enjoyment of his property. His enjoyment and dominion are exercised by the free disposition which he makes of his goods, according to his pleasure. All his goods are, at all times, exposed to perils which may destroy their existence or impair their value; but the Government is not a party to the private dispositions of the owner, and it bears no share of his hazards. Nor is it otherwise in the case of goods subject to duty. During the short period in which imported goods are in the possession of the Government, for the purpose of ascertaining the duties, they are held at the hazard of the owner. Our laws have cautiously provided that even while the possession and control of the owner are suspended, and the goods are actually in the hands of the public officers, the risks which attend them shall belong to the owner, and not to the public. But when the duties are paid or secured, the goods pass into the hands of the owner; he receives them augmented in value by the amount of the duties; he holds them as he holds any other goods; and whether they are lost by accident, or sold with profit, the loss or the gain belongs to him alone. The occupation of the merchant is exposed to great hazards, which are all his own. Is he successful in his commerce, he alone reaps the benefit of his industry, his sagacity, and his hazards. Is he fortunate, either by his own errors, or by accidents, the Government is not his partner, and it never insured him against the errors or the hazards of his own enterprise. The public is never invited to partake of his profits. Is it more reasonable that the public should participate his losses? The importer, indeed, pays the duties in the first in-

stance, as he also pays the foreign price of the goods, the freight, the premium of marine insurance, and all other charges which may be incurred in bringing the goods into the domestic market. These component parts of the domestic value fall not upon him, unless he is the consumer as well as the importer. They are all reimbursed to him when he sells. He may, indeed, sometimes receive less than he has paid, or he may sometimes receive much more, as the goods, in particular cases of great fluctuations, may either fall or rise greatly in value. But, in the general course of things, the importer receives all the sums which he has paid, with profit to himself, upon the whole. When he incurs or pays a debt for duties, he has no higher merit than when he incurs or discharges any other debt. The circumstance that goods have been charged with duties imposes no obligation whatever upon the Government to relieve the owner of the goods from any loss which he may sustain.

But though there is no obligation to remit or mitigate the duties, is it not fit that these sufferers should receive from the Government some charitable donation, or some act of grace in consideration of this great calamity? This idea appears to be inadmissible. The Government of the United States cannot justifiably make charitable donations from the national treasure. If it were proper to make such donations, they should be made impartially to all our citizens who have equal claims to charitable relief. If the sufferers by the fire at Savannah have just claims to relief, the sufferers by the recent fires at Wilmington in North Carolina, and Schenectady in New York, and all other sufferers by all other fires which have occurred in the United States, have equal claims to relief. Every purchaser of imported goods pays the duties in the price of goods. If the importer who loses his goods by fire is entitled to relief because he has paid the duties, is not every other citizen who pays duties upon imported goods entitled to the same relief when his goods are destroyed by fire? The proprietor of imported goods, the owner of the products of our own soil, and the manufacturer of our own country, all lose their property by a fire. All persons, of all conditions, suffer by the conflagration. Has one class of these citizens a better claim to relief than another? Though a conflagration is a great calamity, it is not greater than many others. Are losses by fire more worthy of relief than losses and distresses produced by inundations, tempests, pestilence, war, or other misfortunes which would dictate that our alms should be given to the indigent, the helpless, and the virtuous, rather than to those who, though they have lost much, may still be far above want. Private persons may bestow their charity as they please; but if this Government is to be charitable it must be so at the expense of the nation. If the nation is to bestow charity, the benefits of its charity should be dispensed throughout the nation with an equal hand. The Government cannot relieve all cases of private distress, however severe or meritorious they may be in themselves. The Government was not instituted for any such purpose; and, were it justifiable under the Constitution to apply the national treasure to such objects, a system of rules should first be established, by which facts might be investigated, and cases of real distress and merit be ascertained, in order that the bounty of the nation might be judiciously and impartially distributed.

Finally, general relief in such cases is impossible, and partial relief would be unjust.

The following resolution is proposed:

Resolved, That it is inexpedient to grant relief to the petitioners.

TUESDAY, February 22.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the memorial of the Legislature of the State of Indiana, on the subject of compensation due Captain Bigger's company of rangers, made a report, accompanied by a resolution that the petitioners have leave to withdraw their petition.

Mr. NOBLE presented the petition of William Conner and others, praying that the right of pre-emption to a certain section of land may be granted to the said William Conner; and the petition was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Joseph McNeil; and, on motion by Mr. JOHNSON, of Louisiana, it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Theron Freeman; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Military Affairs, to whom was referred the petition of Edward Baker, praying compensation for an improvement in gunlocks; and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the Committee on the Judiciary, to whom was referred the petition of Marc Marie Duplat; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted, and that the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the motion of the 21st instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of extending to the President of the Senate *pro tempore*, and to the Speaker of the House of Representatives, for the time being, the privilege of franking, as at present by law enjoyed by the Vice President of the United States, and agreed thereto.

The bill further to extend the judicial system of the United States was read the second time, and referred to the Committee on the Judiciary.

The bill making compensation for property lost or destroyed in the Seminole campaign was taken up; and, after some time spent in its consideration, it was further postponed.

The bill for the relief of the legal representatives of John O'Connor, deceased, was read a third time, and passed.

The bill further to extend the charter of the City of Washington was read a third time, and passed.

Mr. LOWRIE presented the petition of John Aitken and Sons, of the city of Philadelphia, in

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the State of Pennsylvania, engaged in the refining and rolling of copper, praying that additional duties may be imposed on the importation of manufactured copper; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Kentucky, submitted the following motions for consideration :

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the appropriation of forty thousand dollars for the purpose of co-operating with the States of Ohio, Pennsylvania, Virginia, Kentucky, and Indiana, to improve the navigation of the Ohio river.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the President of the United States to subscribe for one thousand shares of the capital stock of the Kentucky Ohio Canal Company, according to the seventh section of the act of the Kentucky Legislature, entitled "An act to amend an act, approved January 30, 1818, entitled 'An act to incorporate the Kentucky Ohio Canal Company.'"

PUBLIC LANDS.

The Senate resumed the consideration of the bill making further provision for the sale of the public lands.

[The first section of this bill provides, that, from and after the — day of — next, all the public lands of the United States, the sale of which is, or may be authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and when offered at private sale may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall be run north and south, and the corners and contents of half quarter sections, which may thereafter be sold, shall be ascertained in the manner, and on the principles, prescribed by the second section of an act, "concerning the mode of surveying the public lands of the United States," passed on the eleventh of February, 1805; and fractional sections containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be subdivided into half quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.

The second section provides that credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the — day of — next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered at public sale,

on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

The third section provides that, from and after the — day of — next, the price at which the public lands shall be offered for sale shall be one dollar and — cents an acre, and at every public sale the highest bidder, who shall make payment as aforesaid, shall be purchaser; but no lands shall be sold, either at public or private sale, for a less price than one dollar and — cents an acre; and provides what shall be the price at which the unsold lands which have been offered at public sale shall be sold at private sale.

Sec. 4 provides that no lands which have reverted, or which shall hereafter revert or become forfeited to the United States for failure in any manner to make payment, shall, after the — day of — next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such lands which shall have reverted before the said — day of — next, and which shall then belong to the United States, together with the sections and parts of sections heretofore reserved for the future disposal of Congress, which shall, at the time aforesaid, remain unsold, shall be offered at public sale to the highest bidder, who shall make payment therefor, in half quarter sections, at the land office for the respective districts, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose, &c.

The remaining sections and clauses embrace provisions of mere detail—the above contain the main principles.]

Mr. WALKER, of Alabama, moved to amend the bill by adding a section thereto in the following words:

"That purchasers of public lands, which shall have been sold prior to the — day of — next, shall be permitted to forfeit and surrender the same before the day of final payment, by delivering their certificates to the register, and endorsing thereon their consent that the land therein described shall be resold: whereupon the said certificates shall be considered as cancelled, and the lands shall be deemed and taken to have reverted to the United States, and shall be disposed of, in all respects, like other reverted or forfeited lands, according to the provisions of the fourth section of this act; but, if such lands should sell for more than one dollar and — cents per acre, the excess shall be paid over to the former certificate-holder: *Provided*, That such excess shall not be greater than the amount previously paid on such certificate."

Before taking the question on this motion, it was ordered to be printed, and the bill was postponed until to-morrow.

WEDNESDAY, February 23.

The PRESIDENT communicated the general account of the Treasurer of the United States, from the 1st of July, 1818, to the 1st of July, 1819, as also the War and Navy accounts, from the 1st of October, 1818, to the 1st of October, 1819, together with the reports thereon; which were read.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the petition of Robert Purdy, made a report, accompanied by a bill for the relief of Robert Purdy;

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and the report and bill were read, and the bill passed to the second reading.

Mr. SANFORD, from the Committee of Finance, to whom the subject was referred, reported a bill for the relief of Walter Channing; and the same was read, and passed to the second reading.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the joint petition of Richard Butler, Zalman Burritt, Bernard Worden, Samuel Baley, William White, and John Fenton, praying pensions, made a report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted. The report and resolution were read.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Aquila Giles, of the city of New York, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. KING, of New York, presented the memorial of Henry Remsen, and others, interested in Mississippi stock, praying that a law may be passed, authorizing the Secretary of the Treasury to redeem the said stock, with interest, from the period when it shall appear, from the returns in the proper offices, that sales to an amount sufficient to pay off the same have been made; and the memorial was read, and referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

Mr. KING also presented the memorial of Andrew Jackson, Major General in the Army of the United States, and commander of the Southern division, relative to the report of a select committee of the Senate, made on the 24th of February, 1819, on the subject of the Seminole war; and the memorial was laid on the table. [For this memorial see Appendix, 2d session 15th Congress, page 2308, *et seq.*]

Mr. KING, of Alabama, presented the memorial of Abraham Ogden, and others, praying that the town of Blakely, in the State of Alabama, be made a port of entry and delivery; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

The Senate resumed the consideration of the report of the Committee on Military Affairs, to whom was referred the memorial of the Legislature of Indiana, on the subject of compensation due Captain Bigger's company of rangers; and, in concurrence therewith, the petitioners had leave to withdraw their petition.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act altering the place of holding the circuit and district court in the district of Ohio;" in which bill they request the concurrence of the Senate. The said bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and the further consideration thereof was postponed until Monday next.

Mr. STOKES, from the Committee on the Post

Office and Post Roads, pursuant to a resolution of the Senate, reported a bill, in addition to an act, entitled "An act regulating the Post Office Establishment;" and the same was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill making further provision for the sale of public lands, together with the amendment proposed thereto; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Bowie and Kurtz, and others, and the blank having been filled with \$12,516 48, it was reported to the House accordingly; and, being concurred in, the bill was ordered to be read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the better regulation of the trade with the Indian tribes; and the further consideration thereof was postponed until to-morrow.

Mr. LLOYD presented the petition of Francis S. Key, and others, residing in Georgetown, and that part of Washington county west of Rock Creek, in the District of Columbia, representing, that a change in the time and manner of dispensing justice would not only be a great convenience and relief, but a great saving of expense to the people, and praying that a law may be passed organizing a court, with civil and criminal jurisdiction, to be held in Georgetown by one of the judges of the present circuit court of the District of Columbia, and extending the jurisdiction of the justices of the peace to fifty dollars, and authorizing them to issue executions on all judgments by magistrates; and the petition was read, and referred to the Committee for the District of Columbia.

The Senate resumed the consideration of the report of the Committee of Claims unfavorable to the petition of Joseph McNeil.

On the motion of Mr. JOHNSON, of Louisiana, who advocated at some length the justice of the claim of the petitioner, which was also supported by Mr. BROWN, and opposed by Mr. ROBERTS, the report was reversed by a vote of 19 to 9, and the committee was instructed to report a bill for the relief of the petitioner.

ROADS AND CANALS.

The Senate took up the following resolutions offered by Mr. JOHNSON, of Kentucky, yesterday:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the appropriation of forty thousand dollars, for the purpose of co-operating with the States of Ohio, Pennsylvania, Virginia, Kentucky, and Indiana, to improve the navigation of the Ohio river.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the President of the United States to subscribe for one thousand shares of the capital stock of the Kentucky Ohio Canal Company, according to the 7th section of the act of the Kentucky Legislature, entitled "An act to amend an act, approved January 30, 1818, entitled 'An act to incorporate the Kentucky Ohio Canal Company.'"

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The resolutions having been read, Mr. JOHNSON made, in substance, the following remarks:

He said he did not intend to detain the Senate very long upon the subject of inquiry into this subject, so interesting to the Western country. He was animated with a hope that several circumstances would combine to influence the Senate to look with a favorable eye upon the proposition contained in the resolutions. The contemplated appropriation is very inconsiderable compared with the object. Forty thousand dollars is proposed to aid in making the navigation of the Ohio river practicable at all times and all seasons, for steam, or keel, or other boats, which may not draw more than six feet. Every measure which will cherish our Union, operate as a powerful cement, and to convert every great concern into a common interest, should be taken into the most serious consideration, at a time when longitude and latitude have been the basis of merit, instead of public spirit and public service. The session at which, said Mr. J., we passed a law giving ourselves \$1,500 per session, instead of a per diem, the age of good feeling prevailed; and then it was that the widow, the orphan, the wounded soldier, received from the nation the debt of gratitude, in part, for their sacrifices and sufferings. The present period, which furnishes a contrast to that happy season, furnishes inducements as strong to be liberal in these views. For my part, said Mr. J., I ever have, and ever will, vote for reasonable appropriation, whether it be intended to improve the rivers of Maine or Georgia, or to fill up valleys, or level mountains, and to remove natural and artificial obstructions in our navigable rivers, or to unite them by canals.

The great importance of this subject, said Mr. J., presents a prolific source for reflections; and the information now before us, furnishes topics for almost inexhaustible remarks; but this is not the time to indulge in them. The magnitude of this subject, as a part of the great system of internal improvement, is made manifest by the utility of this measure: first, as it respects the interests of internal and external commerce, the productions of agriculture; the articles of manufacture, and all the mechanic and domestic arts. Secondly, by furnishing a most powerful cement to the Confederacy, by the freedom of intercourse which it will afford, and the facilities of interchanging the articles of internal commerce among the States. Thirdly, the extent of the territory which is dependent on this outlet and the waters which fall into it; the States of Pennsylvania, Virginia, Ohio, Indiana, and Kentucky, are duly interested in this measure. Fourthly, the extent of the population which is employed upon this vast territory. Without going into detail, we cannot forget the rising greatness of Pittsburgh, Maysville, Cincinnati, Louisville, Natchez, and New Orleans, not to enumerate the many flourishing towns which please and arrest the attention of the spectator as he descends this beautiful river.

The next subject which presents itself, said Mr. J., is the report of the commissioners. This document, which I have before me, is a lasting monument of the merit of those who executed the work

assigned to them by a resolution of the respective States concerned, by the invitation of the State of Ohio, at their own expense, in the first instance, in the heat of Summer. These commissioners devoted themselves faithfully to the public trust committed to them, and have at length given to us the knowledge of the character of the Ohio river, and established beyond doubt the practicability of making it navigable at all seasons, at an expense far below the wreck of property and loss of the last session, in consequence of the low state of the water. These obstructions are principally of gravel and sand, some rocks in various parts of the river, and some artificial obstructions of trees, &c. And the report is not less valuable on account of its modest and unassuming character, which I understand, said Mr. J., is the labor of a member of this body, whose mild and unassuming, though firm, conduct, has made him early in life a member of this body; and whose usefulness, I trust, will not only benefit the great State whose confidence has sent him here, but the whole Union — (WALTER LOWRIE, Senator from Pennsylvania.) The Constitution of the United States next presents itself for consideration. We are, said Mr. J., vested with the active and positive power to regulate commerce with foreign nations, with Indian tribes, and among the several States. We have exercised this power to its full vigor, as respects foreign nations and Indian tribes; but as to the States, it has remained almost a dead letter; and it is time, said he, that we should look at the cause of this apathy. The various States are busily employed in planning and executing systems of internal improvements, and individuals co-operating with State authority, to effect these desirable objects. In this state of the country, shall Congress invigorate the spirit of enterprise which characterizes the States and the people of the States, by timely and reasonable appropriations, or shall we refuse our aid, and thus indirectly condemn, and positively protract, that system which will give to this nation so much wealth, so much power, and so much union?

The resolutions were then adopted.

THURSDAY, February 24.

Mr. LEAKE, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act to continue in force for a further time the act, entitled 'An act for establishing trading-houses with the Indian tribes,'" reported the same without amendment.

Mr. SANFORD presented the memorial of Robert Swartwout, of the city of New York, praying the interposition of Congress for relief in the final settlement of his accounts as Quartermaster General of the Army of the United States, during the late war with Great Britain; and the memorial was read, and referred to the Secretary of War, to consider and report thereon to the Senate.

Mr. PARROTT presented the petition of Catharine Shapley, widow of Captain John Shapley, deceased, praying relief in consideration of her late husband's services during the Revolutionary war;

and the petition was read, and referred to the Committee on Pensions.

Mr. PARROTT also presented the petition of Robert Newson, of Kittery, in the State of Massachusetts, stating that, whilst hoisting a stick of timber at the navy yard, in Portsmouth harbor, the fall parted, and the timber fell on his left leg, which was consequently amputated, and praying relief in consideration thereof; and the petition was read, and referred to the Committee on Naval Affairs.

The report of the Committee of Pensions, on the petition of Richard Butler, and others, praying for pensions (who did not serve in the Army of the Revolution, but in partisan corps of the several States) was taken up, and it was resolved, that the prayer of the petitioners ought not to be granted.

The bill more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of Robert Purdy was read the second time.

The bill in addition to an act, entitled "An act regulating the Post Office Establishment," was read the second time.

The bill for the relief of Walter Channing was read the second time.

The bill, entitled "An act altering the place of holding the circuit and district courts in the district of Ohio," was read the second time.

The bill for the relief of Bowie and Kurtz, and others, was read a second time, and passed.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to provide for taking the fourth census, or enumeration of the inhabitants of the United States, and for other purposes," reported the same without amendment.

Mr. SMITH, from the Judiciary Committee, made unfavorable reports on the petitions of John Bioren and Fielding Lucas, jun., and of John Bioren and Edward DeKraft, respectively, inviting the patronage of Congress to a volume of the Laws of the United States, and to the Journal of the old Congress, which they propose to republish.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Vincent Grant; and the further consideration thereof was postponed until this day fortnight.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls; and the further consideration thereof was postponed until Wednesday next.

REMISSION OF DUTIES.

The Senate proceeded to the consideration of the report of the Committee of Finance, on the petitions of Andrew Low, and others, merchants of Savannah, who pray for a remission of duties paid and secured to be paid on a large amount of imported goods, which were consumed and destroyed by the late fire in that city. In general, the Government has refused to remit the payment of duties in such cases. Relief has, however, in a very few such cases, been granted; but in extraordinary

cases, such, for example, as the goods being in the custody of the officers of the United States, to secure the payment of duties. The report concludes an argument of some length, by recommending the adoption of a resolution "that it is inexpedient to grant the prayer of the petitioner."

Mr. ELLIOT, of Georgia, moved to amend the report, by substituting the following resolution for that reported by the committee:

"Resolved, That the report be recommitted to the Committee on Finance, with instructions to report a bill, authorizing the remission of twenty-five per cent. on all bonds due, or becoming due at the custom-house at Savannah, in Georgia, executed for the payment of duties on imported goods, wares, and merchandise, not insured against fire, and which have been destroyed by the late fire in that city, and extending the additional credit of two years on such bonds."

This amendment was earnestly supported by Mr. ELLIOT and Mr. WALKER, of Georgia.

The whole subject was then, on motion of Mr. ROBERTS, postponed until to-morrow.

THE MAINE BILL.

The Senate proceeded to consider their amendments to the bill, entitled "An act for the admission of the State of Maine into the Union," disagreed to by the House of Representatives; and, on motion by Mr. BURRILL, that the Senate recede therefrom—

Mr. MACON called for a division of the question, so as to be taken separately on each amendment, one containing provisions for the admission of Missouri into the Union, and the other prohibiting the further introduction of slavery into the Territories of the United States.

On motion by Mr. NOBLE, it was agreed to take the question by yeas and nays; and, on motion by Mr. LOWRIE, the amendments were ordered to lie on the table.

PUBLIC LAND SALES.

The Senate proceeded to the consideration of the bill for changing the mode of disposing of the public lands, so as to sell them for cash instead of the present credits. The following amendment, proposed by Mr. WALKER, of Alabama, being under consideration, viz:

"And be it further enacted, That purchasers of public lands, which shall have been sold prior to the — day of — next, shall be permitted to forfeit and surrender the same before the day of final payment, by delivering their certificates to the register, and endorsing thereon their consent that the land therein described shall be resold: whereupon, the said certificates shall be considered as cancelled, and the lands shall be deemed and taken to have reverted to the United States, and shall be disposed of, in all respects, like other reverted or forfeited lands, according to the provisions of the fourth section of this act; but, if such lands shall sell for more than one dollar and — cents per acre, the excess shall be paid over to the former certificate holder: *Provided*, That such excess shall not be greater than the amount previously paid on such certificate."

Mr. WALKER, of Alabama, said, that, by this bill, it was proposed to change a system which

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had been adopted after mature consideration, and had been so long in operation that purchasers might be supposed to have bought under the expectation that it was to be continued. The practical effect of the present system, he said, was, that a credit was given on purchases, not for four years but for eight, and, by subsequent indulgence, an almost indefinite credit on the latter instalments; for he had been informed that lands were yet unpaid for, which were purchased at the early sales in the State of Ohio, which took place twenty years ago. The sums due for lands now amounted to twenty-two millions of dollars—a fearful sum. The great object of the bill was to change a system which, in its operation, produced such results. Mr. W. admitted that political reasons required a change in the system which produced the relations of debtor and creditor, to so great an extent, and for an indefinite period, between the people and the Government. He was willing to make the change; but the change should be so made, as not to affect the condition of those who had purchased the public lands. If the system was suddenly and radically changed, the effect would certainly be to diminish the customary price of lands, and to prejudice the interest of the present holders, and particularly of the recent purchasers of public lands. In regard to the latter class, he remarked, he was justified in saying that the United States had received from them, in many cases, for the first instalment, the actual value of the lands, and as much as they would have received for the fee simple, had they been sold for cash. Those purchasers, who had made a hard bargain with the Government, ought to be relieved, and protected against the effect which this bill, if passed, would have of depreciating the value of their lands. Such would be the effect of the amendment now under consideration. It would also enable the Government to obtain the cash value of the lands thus sold, sooner than they will otherwise obtain it. If gentlemen would turn to the accounts of sales of the public lands, they would find that the prices received for them had been enormous, particularly in Alabama.

It might be said that, by the provisions of this amendment, relief would be granted to speculators in the public lands. Not so, Mr. W. said. Some speculators, no doubt, might be relieved by it; but, he said, there were a great many who had purchased for practical agricultural purposes, who were now satisfied they had given four times the value for their lands; and he was satisfied, himself, that if the lands were now set up, they would not produce as much as had been already paid on the first instalment. The purchases in Alabama, he said, seemed to have been made under the influence of a sort of delirium, caused by a variety of causes, among which was the policy of the Government in making the Yazoo compromise and issuing the Yazoo stock, which was available to purchasers of public lands in Mississippi and Alabama, but was, in point of fact, absorbed by the sales in Alabama; for in that time no sales were made in Mississippi. In addition to this cause, was another—there were about that time created,

in Kentucky and Tennessee, somewhere about seventy banks, whose paper was profusely scattered over the country, and cotton was at about twenty-five cents per pound. The most prudent calculating men in the country were swept away by the delusion of the moment. It was the most discreet men sometimes who gave the highest prices; he had known, for example, as high as seventy-eight dollars per acre given for land by those who bought it with the full intention themselves to cultivate it. Should the system be changed as proposed, there would certainly be a great inequality in the conditions of those who bought under the late system and those who will buy under that which is to be substituted for it. It would be found that lands would follow the Government price, and would consequently fall. There was, therefore, he thought, a moral obligation on the part of the Government to interpose for the relief of the late purchasers. The purchaser had a right to suppose there would be a certain credit given, as heretofore, on all lands hereafter thrown into the market. It is time to stop, it was said. Mr. W. was willing to do so; but, in doing so, he would not violate the rights of those who had purchased under existing laws. The average of sales of all the lands in Alabama and Mississippi was about five dollars per acre, and would be much higher but for the old sales which were at low prices—the average for the last three years would be much higher; whereas the average of all the other sales was very little more than two dollars per acre.

The object of this amendment, then, was to allow those who wish it to let the lands, on which they have paid the first instalment of the purchase money, revert at once to the United States. That a great many of the high priced lands would, in any event, revert to the United States, he had no doubt. But that the Government would ever retake possession, within any reasonable time, he had no expectation. They would go on suspending the operation of the law of forfeiture, and would be out of the possession of it for many years; and when they did enforce the law, if they could enforce it, which he very much doubted, it would be of less value to them, &c. Every consideration, Mr. W. therefore thought, recommended this amendment.

Mr. OTIS inquired whether the amendment was intended to apply to all purchasers of the public lands, as well elsewhere as in Alabama?

Mr. WALKER said, he had thought it invidious to make a distinction between them. Purchasers at a fair price, in whatever quarter of the country, would not suffer their lands to revert.

Mr. KING, of New York, said that the bill before the Senate was one of the most important measures, as regarded the general welfare and best interests of the country, that could be presented to their consideration. It was with much satisfaction that he found there was an almost unanimous disposition to change the mode of the sales, so as that for the future they should be sold for cash only. Such a bill had passed this body at the last session, and did not pass the House of Representatives, for

reasons not connected with its merits. In again maturing a bill on this subject, Mr. K. said, it ought to be the object to establish the rule independently of all peculiar circumstances, and leave all the questions, such as those embraced in the proposition of the gentleman from Alabama, and which had many kindred in any part of the Union, to be examined and decided hereafter. He submitted to the Senate the expediency of reserving every one of those particular questions, meritorious or otherwise, equitable or not, for a distinct consideration after the passage of this bill, with which he did not see any necessity for coupling them.

With regard to the main object of the bill, it was scarcely necessary, Mr. K. said, to make an observation, because he presumed every gentleman had reflected on it with the seriousness due to its important character. The evil it was intended to remedy was of a magnitude which grows constantly and increases with every hour's delay. Last year it had been supposed that the debts due to the Government for lands sold amounted to twelve millions of dollars; since when, he now understood, the sum had already increased by ten millions. He invited gentlemen to reflect what would be the effect of having in the hands of our citizens debts to the amount of twenty-two millions of dollars. And what, he asked, might the effect not be, when that sum was doubled again? It had been stated here, that, in some of the States, the effect of a similar cause had been to produce an alienation of the citizens from the Government, and that in some of those States, in Kentucky particularly, no man could be elected from the district of the country in which the people were indebted to the State government for lands, without pledging himself to support the passage of a forbearance law. He would not, he said, dilate on the subject; but, he said, a perseverance in the present system of increasing the debt due to the Government would be pernicious to the harmony of the Union, and would terminate—in what? In expunging the debt. That would be the effect of it.

If the case suggested by the gentleman from Alabama were the only case in the United States, the proposed amendment might not be so objectionable as he now considered it. But, Mr. K. said, the gentleman would see, that of all the persons who owe these twenty-two millions of dollars, there was perhaps not a man who had not made his purchase when land was, in a certain degree, of a higher value than at present. If the proposed amendment was incorporated in the bill, it would be found that every purchaser of lands would call on the Government to review the whole transaction, and afford to him also equitable relief.

One idea further in regard to the amendment. He put it to the gentleman, supposing his amendment to pass, and the lands to be surrendered by every recent purchaser, who would be found mad enough to bid against him on the resale of the land surrendered? On the whole, Mr. K. thought it would be much better to exclude every other circumstance from consideration, when deliberating on the main question of changing the present system of disposing of the public lands.

Mr. WALKER, of Alabama, said, if it were true, that, because a man has purchased a quarter section of land, and fixed his house there, no man will dare to bid against him on the lands reverting, it would be equally true of the land reverting for non-payment under the present system. The difference, then, between present and future reversion to the United States was wholly in favor of the Government putting into the Treasury immediately what would not otherwise accrue to it for ten years to come, if then. On this point, however, he did not know what the public sentiment would be when the case happened. In the case of squatters, it was not such as was apprehended in the present case. He thought it very possible that, in the present case of the Alabama purchasers, the former owners of the land reverting or surrendered, would have a decided preference, and few would be found to bid against them. There was much truth in what the gentleman had said; and, in the degree that it was true, what he had said went to show the expediency of the proposed amendment.

Mr. LOWRIE agreed with the gentleman from New York, that the provision, if passed, had better be kept distinct from the present bill. Another idea, of some importance, he would suggest to the Senate: Whether, if this bill passed, it would not be well to hold out an inducement to those who owe these twenty-two millions of dollars to pay them sooner than they otherwise would? That consideration had been spoken of in the Committee on Public Lands; but it had been thought better not to connect the two subjects. He did not feel as if he were opposed to the principle of this amendment, but he was not in favor of incorporating it in this bill; and, when acted on, he thought some further details would be necessary to make it effectual.

Mr. WALKER, of Alabama, thought no further detail necessary. If he thought, proposed in a different form, it would meet a better fate, he would now withdraw his motion. For his part, he thought it would have a good effect to let the purchasers surrender their lands at once to the Government.

Mr. WALKER, of Georgia, said he had no objection to agree that the lands should be surrendered by the purchasers as soon as convenient; but he was not disposed to give them back the money, as was proposed in this amendment, if the lands should sell beyond the minimum cash price. He was not disposed to make donations to our citizens of this amount. He therefore moved to strike out all of the amendment after the word "act," in the 12th line.

Mr. KING, of Alabama, said the Senate should take into consideration the condition of those who had purchased lands from the Government. Would the passage of this bill injure them? And, if it would, ought not some equitable provision to be made for their relief? If the proposed change were made, it was susceptible of demonstration, Mr. K. said, that those who had purchased under the old system would be in a worse condition than those who will purchase under the new one. You lower the value of their property, said he, and ex-

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Public Land Sales.

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tend to them no relief. Will this attach them to the Government? No. What will be the effect of the bill, as respects people who have purchased lands from the public, and, in consequence of the change of the times, are unable to pay? Will they improve the lands; will they improve the state of society; and produce that state of things so desirable—a dense population on an exposed frontier? By forcing them to wait till the forfeiture accrues, the intermediate improvement would be prevented, by the state of uncertainty in regard to their possessions, which has the most unfortunate effect on society. By rejecting this amendment, strangers would be brought forward, not, as has been supposed, men who would sympathize with the original purchasers—who would, on the reversion of the lands, purchase them for a much smaller price than the original purchaser would have given for them had he not been disqualified from paying at all. The present holder has, it might be said, had the use of the land. Yes, Mr. K. said; he had gone through the wilderness, suffered all the inconvenience of settling new land in a new country; and what was his profit? A mere subsistence. Mr. K. knew, he said, that such was the fact. Was it fair, then, to subject him to the loss of all he had? He forbore, he said, to speak of the effect, in a political point of view, of this immense debt. He felt it; he knew it would have a tendency to alienate the affections of the people. But this was no reason why the Senate should not extend relief to those whose interests this bill was vitally to affect. Mr. K. made some other observations, explanatory of the operation of this amendment. It did not propose to make any donation, as had been intimated. The Government would receive from the future purchaser all he was disposed to give for the land. Suppose it has been already sold for twenty dollars per acre, and the first payment of five dollars has been made. If the land resells for ten dollars, the Government will receive five dollars, and the individual surrendering it will receive five more, of which the Government has had the use, and from which he has had no advantage. The amendment would not embarrass the bill. Mr. K. considered it to be necessarily connected with it. Political expediency called for its adoption, inasmuch as the present holders of these lands, with a heavy debt hanging over them, had no stimulus to exertion, &c.

Mr. MACON said the amendment did not go sufficiently into detail. As it now stood, if adopted, the man who had first purchased might buy the land again: so that every man might give up the land he had bought, if he thought he could buy it over again for less money than he had at first given for it. As it now stood, those who bought and sold would receive the benefit, which, he presumed, was intended only to apply to the actual settlers. The subject, he said, was as important as any of those who had spoken had made it; and this amendment, embracing a great question, he thought ought to pass under the revision of the Committee of Public Lands before the Senate acted on it.

Mr. RUGGLES said, if this bill was to pass, he hoped the amendment would prevail. So far, how-

ever, as related to the Ohio country, few sales had been made, where the land would not now sell for as much as it had been bought at, unless it were the reservations of the Indians, two square miles on Sandy, and six square miles on the Miami of the Lake. These lands had sold above their value, and the purchasers were understood to intend forfeiting their lands. But, in the Southern country, he said, prices had been given for land which never could be paid. For such cases it was proper that some provision should be made.

Mr. WALKER, of Alabama, said, as there appeared to be a contrariety of opinion on the subject of the amendment, and as he believed it would gain friends by further consideration, he would for the present withdraw it. And he did so.

Mr. EDWARDS then rose. The experience of the last session, he said, had taught him that it would be perfectly useless to attempt any opposition to the principle of this bill. He believed that it ought not to pass, and that it would have an unfortunate effect, particularly on that part of the population of the West which he had the honor to represent. But he forbore to enter into needless debate. He wished to provide, however, if he could, for that class of citizens who are unable to acquire land by making prompt payment; and he should flatter himself, he said, from the veneration which the gentleman from New York (Mr. KING) had displayed, some days ago, for the law of nature, he would not be willing to withhold from those persons the only means by which they can acquire a right to the soil. Mr. E. then proposed the following amendment to the bill:

And be it further enacted, That any person who is, or hereafter may be, an actual bona fide settler, upon any quarter section of land which shall have been previously exposed to public sale, and shall remain unsold, shall be permitted to purchase such quarter section, in the same manner and on such terms as are now authorized by law.

His object, Mr. E. said, was not to interfere with the provisions of this bill relating to those who were able to purchase, but to provide for that description of persons who were not in a condition to pay money for the lands of which they were the actual occupants.

Mr. KING, of New York, said, a man might be actually on the public land, but how he could be called a bona fide settler, he said, he knew not. The amendment went further than he had ever before heard it proposed to go.

Mr. OTIS asked if this provision would not make some embarrassment at the public sales. If the land was struck off to one who had previously settled on it, might he not claim a credit on his purchase?

Mr. EDWARDS said, the land was not to be disposed of to any such settler, on the terms proposed, until it had been previously offered for sale, and remained unsold. But bona fide settlements might exist, if this amendment was adopted; because it would countenance and authorize them, and they would therefore be bona fide.

Mr. LEAKE said that the persons who are unable to purchase, settle down as squatters on the

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public lands. Though the Government was authorized to remove them, that power was seldom exercised.

Mr. JOHNSON, of Louisiana, was opposed to the passage of this bill; but, if it was to pass, he should prefer it to pass with the amendment proposed by the gentleman from Illinois, as there was a numerous class of useful citizens who would be relieved by it, &c.

Mr. OTIS asked, within what period was the settler, referred to in the amendment, to make his election to purchase; or was he to have his option forever?

Mr. KING, of Alabama, said he could see no objection to the amendment, which would serve to relieve a poor and meritorious class of settlers. With regard to the election, if the settler did not choose to enter the land, any other individual would and might, whenever he thought proper, enter it at the land office at the minimum price.

Mr. LOWRIE said, if this amendment was agreed to, one part of the sales of lands would be for cash, and the other on the credit system. He was in favor of an uniformity in the mode of disposing of the lands.

Mr. EDWARDS said his object was to provide for the poorer class of our citizens; not only for those who are now on the public lands, but also for those who may remove there. In relation to those who are able to purchase by making prompt payment he cared not. A man would not remove there, and make a settlement, if he was able to pay at all; because he was liable, whilst making improvements on it, to have the land taken over his head.

Mr. LOWRIE said, if a man had paid one-fourth of the money for a tract of land, under the proposed amendment, could another one go to the land office, and, by paying the whole amount in cash, turn the other off? No. So that, in fact, every man would take advantage of this opening to get credit for his purchase, and there would be no use in passing this bill.

Mr. SMITH said, if this bill was to pass at all, he thought it ought to be with both the amendments which had been offered. Under the present system, the land being offered at public sale, and there being no bidder at the minimum price, it was subject to be taken by any one who chose at the minimum price. The amendment gave no preference to the squatter, until the land should have been offered at public sale. If the land was passed by, the presumption was conclusive that it was not worth the Government price; and none but such lands were proposed to be allowed to be purchased on the credit now allowed. The leaning of his mind, Mr. S. said, was however against the whole bill.

Mr. JOHNSON, of Louisiana, said, that the system of cash payments would operate to the benefit of capitalists exclusively, and unfavorably to the poor man, and therefore considered this amendment very important.

Mr. WILLIAMS, of Mississippi, remarked that no gentleman had spoken in favor of this amendment who was not opposed to the main object of

the bill. He presumed the object was to make the bill so unacceptable that even its friends would not vote for it. The amendment, if agreed to, would make this a mongrel system. The system ought to be either all cash, or (as it now is) all credit.

Mr. OTIS said it would be very desirable if the Senate could be permitted to decide on the principle of the change without reference to details, which change the simple nature of the question, as do all the amendments which have been offered. Was it not better to decide, separately, on particular cases requiring to be excepted from the general rule? He should be sorry, he said, to see this bill delayed, because he recollected what had taken place in consequence of a delay of the bill to so late a period of the last session. Let the Committee on Public Lands take the cases of hardship under their consideration. Such cases there might be, and, for his part, he was disposed to look at them with tenderness and kindness. He could foresee in this amendment, should it be adopted, a plentiful crop of litigations between the actual settlers and others, &c., and a difficulty in ascertaining who may be a *bona fide* actual settler, &c.

Mr. EDWARDS said, with regard to the remark of the gentleman from Mississippi, he could assure him that the object of his amendment was not to defeat the bill. He should greatly prefer, he said, confining the sale of the public lands altogether to actual settlers; for he considered the proposed modification of the land system to be calculated to give an evident advantage to speculators who have the command of large moneyed funds; and he should prefer a system which would deny the sale of the public lands to any man who was not an actual settler. With regard to the remark that there might be collisions between the actual settlers and others, it could not apply, because the law now is that all lands settled or not shall be first offered at public sale; and it was not until after a failure to sell in that way that this amendment would apply. But, as the subject seemed to be so little understood, he wished the bill to be postponed until to-morrow.

After some conversation, in which Mr. SMITH proposed a longer postponement, and Mr. LEAKE and Mr. LOWRIE opposed it, the bill was postponed until to-morrow.

FRIDAY, February 25.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Ebenezer Stevens and others, made a report, accompanied by a resolution, that the petitioners have leave to withdraw their petition. The report and resolution were read.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of Sarah Dunn, were discharged from the further consideration thereof, and the petitioner had leave to withdraw her petition.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Aquila Giles, of the city of

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Maine Bill—Custom-House Bonds.

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New York; and the further consideration thereof was postponed until to-morrow.

Mr. WILSON, from the Committee of Claims, to whom the subjects were respectively referred, reported a bill for the relief of Joseph McNeil; a bill for the relief of Bartholomew Duverge; and also a bill for the relief of Labedoyere de Kermion; and the bills were read, and severally passed to the second reading.

SAVANNAH SUFFERERS.

The Senate resumed the consideration of the report of the Committee of Finance, on the memorial of sundry sufferers by the late fire at Savannah, praying a remission of duties on goods destroyed, &c., and of the motion relative thereto, made by Mr. ELLIOT, of Georgia, as before stated.

This motion was further supported by Mr. ELLIOT and Mr. WALKER, of Georgia, and opposed by Mr. BARBOUR and Mr. MACON.

The question thereon being taken, it was decided in the affirmative by 21 votes to 18.

On motion by Mr. BURRILL, the Senate then proceeded to the consideration of

THE MAINE BILL.

The question being on the motion of Mr. BURRILL to recede from the amendments of the Senate, which embrace provisions for the admission of Missouri, and for excluding slaves from the Territories—

A discussion arose on a point of order respecting the division of this question, (as yesterday directed,) so as to separate the question respecting Missouri from that respecting the Territories—it being contended by Mr. BURRILL that the whole amendment was an unit, the second part depending on the first, and therefore indivisible.

The PRESIDENT availed himself of a rule of the Senate to submit the question to the decision of the Senate. And, after debate, in which Messrs. BURRILL, OTIS, BARBOUR, WALKER of Alabama, LOWRIE, MACON, ROBERTS, KING of New York, SMITH, and MORRIL, took part, the question apparently becoming more difficult in the course of the discussion, it was at length determined, on the third trial, that the further consideration of the subject be postponed until to-morrow.

CUSTOM-HOUSE BONDS.

The following letter was received from the Secretary of the Treasury:

TREASURY DEPARTMENT, Feb. 23, 1820.

SIR: In obedience to a resolution of the Senate, of the 12th of February, 1819, directing that "the Secretary of the Treasury lay before the Senate, as early in the next session as practicable, an abstract of all bonds for duties on merchandise imported into the United States, which shall have become payable and remain unpaid on the 30th day of September next, exhibiting in such abstract the date of each bond and the time when it became payable, its amount, names of the obligors, distinguishing principals from sureties, and the district of the customs in which taken, together with such information as will show how much or what parts of such bonds are irrecoverable and lost to the United States," I have the honor to submit state-

ments A, B, C, and D, and a letter from the Register of the Treasury presenting the general result of statements A and D. From the latter statement, it appears that the amount of revenue which has accrued from the customs, from the commencement of the present Government to the end of the year 1819, is estimated at \$351,329,799 53. From statement A, it appears that the amount of revenue lost by the insolvency of persons who became bound for the payment of duties is estimated at \$1,037,355 64, and that which is doubtful at the sum of \$540,969 20. These sums together are not quite equal to 45-100 of one per cent. upon the aggregate revenue which has accrued since the organization of the present Government. Statement B shows the amount which is estimated to have been lost to the Government by the misconduct of officers employed in the collection of the revenue arising from imports and tonnage. Statement C exhibits the amount of loss from the collectors of the internal revenue and direct tax, and receivers of public moneys. These sums form an aggregate amount nearly equal to that which is exhibited in statement A. Documents from one to seventy-one, inclusive, contain abstracts of the bonds put in suit in the several collection districts of the United States.

It was intended to have presented a statement of the sums which are estimated to have been lost by the misapplication of the public money by the officers of the Government employed in disbursing it; but it has been ascertained that the statement cannot be prepared during the present session of Congress. There can, however, be no doubt that the losses arising from this source greatly exceed those which have been incurred in the collection.

I have the honor to be, &c.,

WM. H. CRAWFORD.

Hon. PRESIDENT of the Senate.

The letter and documents were read and laid on the table.

SATURDAY, February 26.

Mr. DICKERSON presented the petition of D. Stuart and others, praying for the establishment of a certain post route; and the petition was read, and referred to the Committee on the Post Office and Post Roads.

Mr. ROBERTS presented the petition of Anna Maria Nippes and others, executors of Abraham Nippes, deceased, who was a contractor for the manufacture and delivery of a certain number of stands of arms, and praying further remuneration for those delivered under said contract; and the petition was read, and referred to the Committee of Claims.

Mr. WILSON presented a memorial signed by a number of merchants and citizens of Philadelphia, on the subject of auction sales; and the memorial was read, and referred to the Committee of Commerce and Manufactures.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Aquila Giles, of the city of New York; and the further consideration thereof was postponed until Monday next.

The bill for the relief of Bartholomew Duverge; the bill for the relief of Labedoyere de Kermion;

and the bill for the relief of Joseph McNeil, were severally read the second time.

PRINTING THE LAWS, &c.

The unfavorable report of the Committee on the Judiciary on the petition of Bioren and Lucas, (who propose to print a 5th volume of the Laws of the United States, if encouraged by Congress,) was taken up and agreed to.

The unfavorable report on the memorial of Bioren and DeKrafft, (who propose to republish the Journal of the Congress of the Confederation,) was also taken up.

Mr. TRIMBLE, of Ohio, moved to reverse the report, on the ground of the importance of this part of the public records, of which, he said, there was at present but a single copy in the Library of Congress.

Mr. SMITH stated the grounds of the report, viz., the voluminous nature of the publication, and great expensiveness, when compared with its utility or necessity.

Mr. BURRILL opposed the motion to reverse the report. He disapproved of the general practice of having books printed for the use of members of Congress, at the public expense; and thought it had been already carried too far.

Mr. TRIMBLE spoke in support of his motion, urging the propriety of agreeing to it, not for the purpose of furnishing books to be the private property of members, but for the purpose of affording to all the members the means of reference to this Journal, which it was so often necessary to consult.

The motion to reverse the report was negatived, and the report itself was agreed to.

THE MAINE BILL.

The Senate again proceeded to the consideration of the message from the House of Representatives disagreeing to the amendment of this body to the bill for the admission of Maine into the Union. [This amendment embraces nine sections, the first eight of which contain provisions for the admission of Missouri into the Union; the 9th prohibits the further introduction of slavery into the territories of the United States.]

The question of order on the susceptibility of division of a question on a motion to recede, so as to take it separately and successively on each part, being yet under consideration, Mr. OTIS, Mr. BURRILL, and Mr. MORRIL, successively spoke briefly on the question; when,

On motion of Mr. JOHNSON, of Kentucky, the Senate adjourned.

MONDAY, February 28.

Mr. WILSON, from the Committee of Claims, to whom the subjects were referred, reported a bill for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Nippes, deceased; and the bill was read, and it passed to the second reading.

Mr. WILSON, from the same committee, to whom was referred the petition of Alexander McCormick, of the city of Washington, praying indemnification for losses sustained by the plunder and destruc-

tion of goods and merchandise by the British troops in 1814, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. ROBERTS presented the petition signed by a great number of inhabitants of the counties of Berks and Montgomery, in the State of Pennsylvania, praying for the establishment of a certain post road; and the petition was read, and referred to the Committee on the Post Office and Post Roads.

Mr. ROBERTS also presented the petition of Margaret Clark, widow of the late Major John Clark, praying that she may allowed the pension to which he was entitled by law; and the petition was read, and referred to the Committee on Pensions.

Mr. KING, of New York, presented the petition of Harriet Shackerly, Sarah Shackerly, and Mary Shackerly, the orphan children of Peter Shackerly, who was slain whilst in the service of the United States, in the rencontre between the frigate Chesapeake and ship Leopard, and praying relief in consideration thereof; and the petition was read, and referred to the Committee on Naval Affairs.

Mr. MELLEN presented the petition of William March, of Hampden, in the District of Maine, praying compensation for taking care of the battery at Castine, as stated in the petition; which was read, and referred to the Secretary of War, to consider and report thereon to the Senate.

Mr. WILLIAMS, of Mississippi, communicated a resolution of the Legislature of the State of Mississippi, on the subject of a port of entry and delivery at or near the mouth of Pascagoula river; and also a resolution on the subject of a port of entry at the mouth of Pearl river; and the resolutions were severally read, and respectively referred to the Committee on Commerce and Manufactures.

Mr. LLOYD submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making appropriations of land for the support and encouragement of literary institutions within the limits of the old States, corresponding with the provisions heretofore made for the same purpose within the limits of the new States.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Aquila Giles, of the city of New York; and on motion by Mr. KING, of New York, it was ordered to lie on the table.

The bill for the establishment of an uniform system of bankruptcy was taken up, and was postponed to and made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Christopher Fowler; and, on motion by Mr. BURRILL, the further consideration thereof was postponed indefinitely.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Robert Newsom, of Kittery, in Massachusetts, praying a pension, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted. The report and resolution were read.

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Maine Bill—Public Lands.

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The bill for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians was taken up. Mr. EATON commenced some explanations respecting it; but the Senate appearing too much absorbed in the affair of the Maine and Missouri bill to give attention to it, on motion of Mr. EATON, the further consideration of the subject was postponed.

THE MAINE BILL.

The Senate proceeded again to consider the question on receding from the amendments made by the Senate, and disagreed to by the House of Representatives, to the bill for the admission of Maine into the Union.

[These amendments embrace two distinct measures; the one admitting Missouri into the Union, the other prohibiting the future transportation of slaves into the Territories of the United States.]

The question of order, depending on the last adjournment, was, after a few remarks on it by Mr. WILSON, by a vote of 22 to 17, decided in favor of the divisibility of the question of recession from the amendments of the Senate.

The question was then taken, without debate, on receding from so much of the amendments of the Senate as provides for the admission of Missouri into the Union, and decided as follows:

For receding—Messrs. Burrill, Dana, Dickerson, Horsey, Hunter, King of New York, Lanman, Lowrie, Mellen, Morrill, Noble, Otis, Palmer, Parrott, Roberts, Ruggles, Sanford, Tichenor, Trimble, Van Dyke, and Wilson—21.

Against receding—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Macon, Pinkney, Pleasants, Smith, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—23.

So the Senate refused (every member of the Senate being in his seat) to recede from this part of its amendments.

The question was then taken, also without debate, on the receding from so much as regards the inhibition of slavery in the Territories of the United States north of 36 degrees 30 minutes north latitude, and decided as follows:

Yeas—Messrs. Barbour, Elliot, Gaillard, Macon, Noble, Pleasants, Sanford, Smith, Taylor, Walker of Georgia, and Williams of Mississippi—11.

Nays—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Leake, Lloyd, Logan, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Pinkney, Roberts, Ruggles, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Walker of Alabama, Williams of Tennessee, and Wilson—33.

So the Senate refused to recede from this or any part of its amendments to the bill for the admission of Maine into the Union.

On motion of Mr. BARBOUR, the Senate then determined to insist on the first clause of its amendments; and, on motion of Mr. ROBERTS, it determined, in like manner, to insist on the latter clause of its amendments. And the Secretary was

instructed to inform the House of Representatives accordingly.

PUBLIC LANDS.

The Senate then resumed the consideration of the bill for changing the mode of disposing of the public lands from credit to cash sales.

The amendment moved by Mr. EDWARDS on Thursday last being yet under consideration, in the following words, viz:

And be it further enacted, That any person who now is, or hereafter may be, an actual *bona fide* settler upon any quarter section of land which shall have been previously exposed to public sale, and remain unsold, shall be permitted to purchase such quarter section in the same manner and on such terms as were heretofore authorized by law.

A debate arose thereon, in which Messrs. OTIS, NOBLE, KING of New York, EDWARDS, RUGGLES, JOHNSON of Kentucky, LOWRIE, JOHNSON of Louisiana, LEAKE, and EATON, took part.

The question on agreeing to the same was then decided by yeas and nays, as follows:

Yeas—Messrs. Brown, Edwards, Johnson of Louisiana, King of Alabama, Lloyd, Logan, Noble, Pinkney, Smith, Stokes, Thomas, and Walker of Alabama—12.

Nays—Messrs. Barbour, Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Horsey, Hunter, King of New York, Lanman, Leake, Lowrie, Macon, Mellen, Morrill, Otis, Palmer, Parrott, Pleasants, Roberts, Ruggles, Sanford, Taylor, Tichenor, Trimble, Van Dyke, Walker of Georgia, Williams of Mississippi, Williams of Tennessee, and Wilson—31.

So the amendment was disagreed to.

Mr. WALKER, of Alabama, then renewed the motion he made a few days ago to amend the bill by adding thereto the following:

"That purchasers of public lands, which shall have been sold prior to the — day of — next, shall be permitted to forfeit and surrender the same before the day of final payment, by delivering their certificates to the register, and endorsing thereon their consent that the land therein described shall be resold; whereupon the said certificates shall be considered as cancelled, and the lands shall be deemed and taken to have reverted to the United States, and shall be disposed of, in all respects, like other reverted or forfeited lands, according to the provisions of the fourth section of this act; but, if such lands should sell for more than one dollar and — cents per acre, the excess shall be paid over to the former certificate holders: *Provided*, That such excess shall not be greater than the amount previously paid on such certificate."

When, on motion of Mr. LOGAN, (to give time for consideration of amendments to protect the actual settler, &c., which he thought might be made,) to postpone the bill to Friday next, it was decided in the negative, 20 to 19.

And then, without opposition, it was postponed, on motion of Mr. LOGAN, to Wednesday next, and made the order of the day for that day.

THE MAINE BILL.

The Senate was about to adjourn, when the Clerk of the House of Representatives presented himself at the door, with a message, that the

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House of Representatives had insisted on their disagreement to the amendments of the Senate to the Maine bill.

Mr. THOMAS then moved that a committee of conference be appointed, to confer with the House of Representatives on the subject.

Hereupon commenced a debate, characterized by some vehemence and warm feeling.

Mr. KING, of Alabama, and Mr. SMITH, were in favor of adherence, which forecloses conference; Mr. KING, of New York, spoke in explanation, and Messrs. BARBOUR, THOMAS, JOHNSON of Kentucky, LOWRIE, MORRIL, DANA, EATON, MACON, and MELLE, successively supported the conference.

The debate resulted in this: that a motion for deferring the question was negatived, and the Senate voted, not without opposition, but without dividing, to request a conference with the House of Representatives.

The Senate then balloted for managers thereof on their part, and Messrs. THOMAS, PINKNEY, and BARBOUR, were duly elected.

TUESDAY, February 29.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Alexander McCormick, of the city of Washington, praying indemnification for losses sustained by the plunder and destruction of goods and merchandise by the British troops in 1814, and the resolution having been amended, it was resolved that the petitioner have leave to withdraw his papers.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Robert Newsom, of Kitterly, in Massachusetts, praying a pension, and, in concurrence therewith, resolved that the prayer of the petition ought not to be granted.

The Senate resumed the consideration of the motion of the 29th instant, "for instructing the Committee on Public Lands to inquire into the expediency of making appropriations of land for the support and encouragement of literary institutions within the limits of the old States, corresponding with the provisions heretofore made for the same purpose within the limits of the new States," and agreed thereto.

The bill for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Nippes, deceased, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and the consideration thereof was further postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the better

regulation of the trade with the Indian tribes, and the same having been amended was reported to the House; and, the amendment being concurred in, the bill was ordered to be read a third time.

The PRESIDENT communicated a letter from the Secretary of the Treasury, accompanied with an abstract of the emoluments and expenditures for the year 1819, of the officers employed in the collection of the customs; which were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force for a further time the act, entitled 'An act for establishing trading houses with the Indian tribes;'" and no amendment having been made thereto, it was reported to the House, and passed to a third reading. It was read a third time by unanimous consent, and passed.

On motion by Mr. PINKNEY, the memorial of the President and Managers of the American Colonization Society, presented on the 2d instant, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. PINKNEY, KING, and ROBERTS, were appointed the committee.

Mr. SANFORD presented the petition of Ephraim Hart, of the city of New York, praying payment for a certain certificate issued by the deputy quartermaster for the State of Virginia, dated the 12th June, 1781, for one hundred and fifty-one pounds twelve shillings and sixpence Virginia currency; and the petition was read, and referred to the Committee of Claims.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes;" and, after progress, on motion by Mr. ROBERTS, the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act altering the place of holding the circuit and district courts in the district of Ohio;" and no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Walter Channing; and the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Robert Purdy; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to an act, entitled "An act regulating the Post Office Establishment," and the same having been amended, it was reported to the House; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Joseph McNeil; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

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Western Road Fund.

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The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Bartholomew Duverge; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Labedoyere de Kermion; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement exhibiting the amount of the two per cent. fund arising from the sale of the public lands lying within the State of Indiana, and also the amount of said fund arising from the sale of public lands within the State of Illinois, which was reserved for the purpose of making roads leading to the States, and to be applicable under the direction of Congress.

WEDNESDAY, March 1.

Mr. DANA presented the petition of Peter Cardelli, a native of the ancient city of Rome, now a resident at the City of Washington, in the District of Columbia, a sculptor by profession, praying that a law may be passed securing to him and all other artists of his profession the benefit of their own labors, for the same time allowed to authors for exclusive property in their writings; and the petition was read, and referred to the Committee on the Judiciary.

Mr. PARROTT presented the petition of Sally Jackson, of Portsmouth, in the State of New Hampshire, widow of Samuel Jackson, deceased, who was captured on board a private armed vessel during the late war, and sent to England, and died there in prison the fourteenth of April, 1814, praying that the relief granted by the second section of the act, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," may be granted unto her; and the petition was read, and referred to the Committee on Naval Affairs.

Mr. EATON presented the petition of John B. Timberlake, praying provision for an equitable adjustment of his accounts, as purser, with the Navy Department; and the petition was read, and referred to the same committee.

Mr. TRIMBLE submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing for the abolition of the system of Indian trade, established by law of the second of March, 1811, which has been continued in force until the third of March, 1821, and for the disposition of the goods and property of the United States, and for the payment of the proceeds thereof, and of the funds vested in this trade, into the Treasury.

The bill, entitled "An act altering the place of

holding the circuit and district courts in the district of Ohio," was read a third time, and passed.

The bill for the relief of Robert Purdy was read a third time, and passed.

The bill for the better regulation of the trade with the Indian tribes was read a third time, and passed.

The bill in addition to an act, entitled "An act regulating the Post Office Establishment," was read a third time, and passed.

The bill for the relief of Bartholomew Duverge was read a third time, and passed.

The bill for the relief of Labedoyere de Kermion was read a third time, and passed.

The bill for the relief of Joseph McNeil was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and the consideration thereof was further postponed until to-morrow.

Mr. KING, of Alabama, presented the petition of the corporation and citizens of the town of Claiborne, in the State of Alabama, praying the donation of certain lots in said town for public purposes; and the petition was read, and referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mark Richards; and it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls; and the further consideration thereof was postponed until Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, authorizing the Secretary of State to issue letters patent to Richard Willcox; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Nippes, deceased; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

On motion by Mr. DANA,

Ordered, That three hundred copies of the report of the Secretary of the Treasury, in obedience to a resolution of the House of Representatives of March 1st, 1819, comprehending statements in relation to the condition of the Bank of the United States, and its offices; also statements in relation to the situation of the different chartered banks in the different States and the District of Columbia, &c., be printed for the use of the Senate.

WESTERN ROAD FUND.

A resolution, yesterday submitted by Mr. NOBLE, was taken up, and modified, to read as follows:

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement exhibiting the amount of the two per cent. fund arising from the sale of the public lands lying within the State of Indiana, within the State of Ohio, and within the State

of Illinois; and also the amount of said fund arising from the sale of public lands within the State of Illinois, which was reserved for the purpose of making roads leading to the States, and to be applied under the direction of Congress.

Mr. NOBLE said that he would briefly state his reasons for offering the resolution. It would be recollected by the Senate, that, by the "act of Congress to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," certain propositions were offered to the people of the Territory, for their acceptance or rejection. The propositions were accepted; and the third provides, that five per cent. arising from the sales of the public lands within the State should be reserved for making roads and canals, of which three-fifths should be applied to that object within the State, under the direction of the Legislature of the State, and two-fifths to the making of roads leading to the State, under the direction of Congress. In Illinois, two per cent. arising from the same source, were to be applied in making roads leading to the State. Congress, in passing a law to carry into effect the above proposition, and to authorize the payment of the three per cent. to the State of Indiana, declared that, unless the State should exhibit to the Secretary of the Treasury a statement showing the annual application of the fund to the objects intended, the payment should be withheld by the Secretary of the Treasury. It is then but fair, in carrying into effect the proposition, the scales of justice should be equal and reciprocal between the United States and the State of Indiana, as also Illinois, and that the two per cent. should be annually applied to the object intended. The Committee on Roads and canals have the subject before them, "to continue the road from Wheeling to the seat of government for Ohio, to the contemplated seat of government for Indiana; to the seat of government for Illinois, and thence to St. Charles." What the committee would do, he said, he could not say; but it was important to ascertain from the Treasury Department the amount of the fund, that the Senate, as well as the committee, might be better informed how far the fund would warrant the measure or extend the road. He said, that, as the resolution in its operation only went to ascertain the amount of the fund, whether his views were correct or incorrect in regard to the proposition before alluded to, and the annual application of the fund by Congress, he hoped the Senate would adopt the resolution.

The resolution was then agreed to.

SALE OF PUBLIC LANDS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands.

Mr. BARBOUR, said that, under existing circumstances with respect to another question (the Missouri question) he did not feel in the humor at present to legislate on this bill, which, at any other moment, he should have regarded as a very important one. Unless something should be done on the

other subject to which he had referred, he, for one, was willing, after passing the annual appropriation law, that Congress should return at once to their constituents and take their sense on the course pursued by Congress. During the last session, he said he had been of opinion that a change in the mode of disposing of the public lands was proper; since which time, however, a great revolution in the pecuniary concerns of this country had taken place. It was now said, that a great debt was owing to the Government for public lands, and that the debtors were unable to discharge it; and it is at the same time proposed to sell no lands in future but for money. What would be the consequence? The valuable land would soon be bought up by a few monopolists, who had been so fortunate as to acquire money wherewith to purchase. Under present circumstances, at least, Mr. B. said he had no disposition to act on this subject. If, fortunately for the country, the other subject should take a direction which he now began to hope it would, he was willing to take this subject most seriously into consideration. For the present, he moved to postpone it to Monday next.

The question on this motion was agreed to, without further debate. Mr. KING, of New York, rose, but did not catch the President's eye before the question was put. His object, he stated, was merely to have put in a little protestation against arresting the progress of public business.

Mr. OTIS said, if it was understood that no business was to be done until the other business referred to came to a consummation, the Senate might as well adjourn to-day, without attempting to take up any business.

FORFEITURE OF LANDS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill further to suspend, for a limited time, the sale or forfeiture of lands, for failure in completing the payment thereon.

Mr. BURRILL, in order to bring it into the view of the Senate in connexion with the bill for changing the mode of disposing of the public lands, to which it had some affinity, moved to postpone this bill also until Monday next.

Mr. NOBLE and Mr. THOMAS opposed the postponement. The present law on the subject would expire on the 31st of the present month; and, even if this bill passed to-day, there would scarcely be time, after its receiving the assent of the other House, to give information of its passage to the several land offices.

Mr. BURRILL said he was not disinclined to give indulgence to the debtors for public lands; but he doubted whether the present mode of doing it was the best that could be devised. Under the present system there would be no end to the postponement of payment—the debt becoming heavier every day by the interest being added to the principal. As to the shortness of time, Mr. B. said he presumed those who had charge of the land offices would hardly proceed to immediate forfeiture, though the law of indulgence should expire before they heard of the renewal of it.

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Mr. RUGGLES opposed the postponement. If any thing were done by Congress on the subject, it was essentially necessary that it should be done now. He regretted much that the other land bill had been postponed. That bill was precisely the same as had passed this House at the last session, by a large majority, and he thought might have been easily acted on to-day. But he hoped this bill would not also be postponed, there being no necessary connexion between the two.

Mr. BURRILL withdrew his motion for postponement, to oblige the friends of the bill.

Mr. LOWRIE felt himself reluctantly obliged to renew the motion to postpone. If the question should now be taken on the bill, he said he must vote against it. It was time, if the present system of disposing of the public lands was to be retained, that it should be made to operate, without continual legislation on it, and procrastination of payment. But, if the bill for cash sales should pass, he said he would go every length to accommodate the present debtors for lands, and give them every reasonable indulgence.

Mr. EDWARDS said if gentlemen would assign their reasons why this bill should not pass, he was ready to meet them. But, he said, let every measure stand on its own merits, and do not delay this bill that another may be first passed. Either the debtors for public lands are, from the situation of the country, entitled to relief, or they are not. If they are, they ought not to be debarred from it by considerations connected with another bill. What was now the situation of the country where the money was due? During the last session of Congress the Secretary of the Treasury had directed certain money to be received in payment at the several land offices. Such money had been generally procured by the debtors. But now, when they had to pay it, scarcely any other money would be received at the land office but the paper of the Bank of the United States. But, it appeared to him, gentlemen meant to hold this bill *in terrorem*, to induce those who were opposed to a change in the mode of disposing of the public lands, to vote for that measure—for he had always understood there was no objection to the present bill on its own merits. To the other there was strong objection, and he expressed some doubts of its passage.

Mr. KING, of New York, expressed the opinion, that, before the Senate went any further, they ought to see what were the merits or defects of the present system, and legislate on them if necessary. The urgency of this bill was not so great as represented. The present act would be in force until the 31st instant, and, if this bill passed into a law before that day, no forfeiture would ensue. It was important that the principle of the present land system should be examined before the passage of this bill. The gentleman from Illinois (Mr. EDWARDS) had predicted some uncertainty as to the fate of the bill for cash payments. This, Mr. K. said, he was very sorry to hear. It would be a very great change in the Senate, if a majority should be found opposed to that bill; it had passed at the last session by a great majority, after much deliberation—though it was certainly due to

that gentleman to say that he had persevered to the last moment in his zealous opposition to it. Mr. K. said he should deeply regret the failure of this measure; for, said he, I know of no measure about which we ought to be more solicitous than the passage of that bill. With regard to the particular bill before the Senate, he thought its passage almost a matter of course. But, he should wish first to see the fate of the other. With regard to the objection to making one measure dependent on another, by taking them together, &c., that, Mr. K. said, was an argument which the gentleman from Illinois could answer better than he could. He had no hesitation in expressing his belief, that, if the bill were now postponed, it would present itself hereafter under circumstances more favorable to its passage than at present.

Mr. EDWARDS said if the Senate alone had to decide on the land bill, he was willing to concede the probability of its passage. But, last year, it passed the Senate and failed in the other House; and he had reason to think that the probability of its doing so at the present session was greater than it was at the last.

Mr. TRIMBLE moved to lay this bill on the table with a view to reconsideration of the postponement of the Cash Sales Bill.

The motion was negatived 19 votes to 17.

The question on postponing the Indulgence Bill to Monday, was then decided in the affirmative, 17 to 14.

THURSDAY, March 2.

A report was received from the Secretary of War, on the petition of Robert Swartwout, which had been referred to him, expressing the opinion that the petitioner is entitled to relief, (respecting the negotiation of certain Treasury notes for the use of the Quartermaster's Department of the Army during the late war.) The report and petition were, on motion of Mr. SANFORD, referred to the Military Committee.

On motion of Mr. KING, of New York, at the request of Mr. Barker, who has a petition depending before a committee of the Senate, connected with the transactions respecting the loans during the late war, it was

Resolved, That the Secretary of the Treasury lay before the Senate a copy of the letter from G. W. Campbell, Secretary of the Treasury, to Jacob Barker, dated May 2d, 1814.

Mr. RUGGLES, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of John H. Piatt; and the bill was read, and passed to the second reading.

Mr. WILSON, from the Committee of Claims, to whom the subjects were referred, reported a bill for the relief of Francis B. Languille; and also a bill for the relief of John Pellett; and the bills were read, and severally passed to the second reading.

Mr. ROBERTS, from the same committee, to whom was referred the petition of a number of citizens of the United States, inhabitants of Michigan Territory, made a report, accompanied by a

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resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. ROBERTS presented the petition of James Greer, stating that he had discovered an important improvement in the boring of gun-barrels, and proposing to communicate the same to Government upon certain conditions; and the petition was read, and referred to the Secretary of War, to consider and report thereon to the Senate.

The Senate resumed the consideration of the motion of the 1st instant, for instructing the Committee on Indian Affairs to inquire into the expediency of abolishing the present system of Indian trade, and agreed thereto.

The bill for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Nippes, deceased, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to the admission of the State of Maine into the Union; and, on motion by Mr. DANA, it was ordered to lie on the table.

The bill for the relief of Walter Channing was next taken up, and debated at some length. It proposes to refund certain moneys paid for duties on the importation of a quantity of saltpetre, supposed to have been inequitably, if not illegally, demanded and received by the collector.

This bill was supported by MESSRS. DANA, PINKNEY, MACON, and OTIS, and opposed by MESSRS. EATON and LOGAN.

The bill was ordered to be engrossed for a third reading.

The bill providing for taking the fourth census, or enumeration of the people of the United States, as passed by the House of Representatives, was then taken up.

Mr. ROBERTS proposed an amendment requiring the Assistants of the Marshal employed in taking the census, &c., to swear to the correctness of their returns, and to the fidelity with which they have fulfilled their required duties.

The amendment was agreed to.

After further consideration, the bill was postponed till to-morrow.

Mr. JOHNSON, of Louisiana, communicated resolutions of the Legislature of that State approbating the present system for the disposal of the public lands, and re monstrating against any change being made therein; and the resolutions were read.

Mr. KING, of New York, called up the memorial of Major General Andrew Jackson, now lying on the table, with a view only of moving that it be printed.

On this motion a few observations were made, as to the propriety of first reading this memorial; which was objected to on account of its length. The consideration of the subject, however, was interrupted, by the arrival from the House of Representatives of a message, announcing the passage of

THE MISSOURI BILL.

The bill was, on motion of Mr. BARBOUR, immediately taken up, and read a first and second

time; and, at his instance also, was then forthwith taken up as in Committee of the Whole.

Mr. BARBOUR moved to strike out of section four, line twenty-two, after the word "and," where it first occurs in this line, to the end of the thirtieth line, the following:

"And shall ordain and establish, that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid: *Provided, nevertheless,* That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory. *And provided also."*

The subject, Mr. B. said, had been so fully discussed, and so often passed upon, and the yeas and nays recorded on it, that he thought it unnecessary to say any thing on the subject; and he should forbear even the asking for the yeas and nays upon it.

Mr. KING, of New York, said he was perfectly ready to concur in the sentiment expressed by the gentleman from Virginia. He had no idea of producing delay in bringing this matter to a conclusion, which only would be the effect of discussion; but was ready to concur in any course which would lead to its speedy termination.

Mr. HORSEY said, that, having been necessarily absent when this question was before decided, he wished now to be indulged with an opportunity of recording his vote.

The yeas and nays were accordingly ordered to be taken, and stood—yeas 27, nays 15, as follows:

YEAS—MESSRS. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lanman, Leake, Lloyd, Logan, Macon, Parrott, Pinkney, Pleasants, Smith, Stokes, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee.

NAYS—MESSRS. Burrill, Dana, Dickerson, King of New York, Lowrie, Mellen, Morrill, Noble, Otis, Roberts, Ruggles, Sanford, Taylor, Trimble, and Wilson.

On motion by Mr. THOMAS, it was agreed further to amend the bill, by adding thereto the following section:

"SEC. 8. *And be it further enacted,* That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor, or service, as aforesaid."

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The bill having been thus amended, it was reported to the House accordingly; and, the first amendment being concurred in,

Mr. TRIMBLE moved to amend the new section agreed to, as in Committee of the Whole, by striking out therefrom—

"All that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act," and inserting in lieu thereof the following: "All that part of Louisiana west of the Mississippi, ceded by France to the United States, except the State of Louisiana, the territory included in the proposed State of Missouri, and the Arkansas Territory, east of the seventeenth or ninety-fourth degree of longitude, (agreeably to Melish's map.)"

Mr. TRIMBLE said, he would not have offered this, amendment, but with the hope that some agreement might take place between the two Houses, and in the belief that that amendment embraced principles on which the two Houses might unite on this subject. When we go into the territory which was uninhabited at the date of the Louisiana treaty, and is yet uninhabited, very few, he believed, entertained scruples as to the constitutionality of the restriction. For his part, he did not see on what principle the Constitution could be brought to bear on the subject. He had offered this amendment with a view, should it succeed, to vote for the bill in its present form. He had little doubt that it contained principles on which, were it agreed to, the bill would pass the other House; and he was under the impression that it would not succeed on the principle of the amendment of the gentleman from Illinois, as it now stood.

The question was then taken, without debate, on Mr. TRIMBLE'S motion to amend the amendment, as above stated, and decided as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, King of New York, Lannan, Mollen, Morrill, Otis, Ruggles, Sanford, Trimble, and Wilson—12.

NAYS—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Lowrie, Macon, Noble, Palmer, Parrott, Pinkney, Pleasants, Roberts, Smith, Stokes, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee—30.

Mr. THOMAS'S amendment was then concurred in, as agreed to in Committee of the Whole.

It was agreed to amend the title by adding thereto, "and to prohibit slavery in certain territories."

And the amendments were then ordered to be engrossed, and, with the bill, to be read a third time: it was read a third time accordingly, passed, and sent to the House of Representatives, requesting their concurrence in the amendments.

FRIDAY, March 3.

Mr. HORSEY, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill to increase the allowance of the judges of the orphans' court in the counties of

Washington and Alexandria; and the bill was read, and passed to the second reading.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Joseph Lefebvre, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition.

Mr. RUGGLES presented the petition of Antoine Baron, of Michigan, praying compensation for property taken and destroyed by order, for the use of the American Army; and the petition was read, and referred to the Committee of Claims.

The bill for the relief of Francis B. Languille; the bill for the relief of John Pellett; and the bill for the relief of John H. Piatt; were severally read the second time.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ebenezer Stevens, and others; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes;" and the same having been further amended, the bill was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed until Monday next.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Margaret Clark, relict of the late Major John Clark, an officer of the Pennsylvania line in the American Revolution, now deceased, praying Congress to grant a renewal and continuance to her of the pension which her late husband received under the act of 18th March, 1818, made a report, accompanied by a resolution that the petitioner have leave to withdraw her petition. The report and resolution were read.

Mr. HORSEY, from the Committee on the District of Columbia, to whom was referred the bill to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose, reported the same with amendments, which were read.

The bill for the relief of Walter Channing was read a third time, and passed.

On motion by Mr. WALKER, of Georgia, the Committee on the Judiciary were instructed to inquire into the expediency of increasing the salaries of all or any of the District Judges of the United States; and the said committee were discharged from the further consideration of the resolution of the first of last month, instructing them to inquire into the expediency of increasing the salary of the District Judge of Georgia.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the President of the United States to appoint a receiver of the public

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moneys and register of the land office for the district of Lawrence county, in the Arkansas Territory," in which bill they request the concurrence of the Senate.

The bill was read and passed to the second reading.

The PRESIDENT communicated a report of the Secretary of the Treasury, to whom was referred the memorial of Henry Remsen and others, concerned in Mississippi stock; and the report was read.

MAINE BILL.

Mr. THOMAS, from the managers on the part of the Senate, at the conference on the subject of the disagreeing votes of the two Houses, on the amendments proposed by the Senate, to the bill, entitled "An act for the admission of the State of Maine into the Union," made the following report:

The Committee of Conference of the Senate and of the House of Representatives, on the subject of the disagreeing votes of the two Houses, upon the bill, entitled "An act for the admission of the State of Maine into the Union," report the following resolution:

Resolved, 1st. That they recommend to the Senate to recede from their amendments to the said bill.

2d. That they recommend to the two Houses to agree to strike out of the fourth section of the bill from the House of Representatives now pending in the Senate, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States," the following proviso, in the following words: "And shall ordain and establish, that there shall be neither slavery nor involuntary servitude otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid: *Provided, nevertheless*, That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory." And that the following provision be added to the bill:

And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any other State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

The report was read.

On motion by Mr. THOMAS,

Resolved, That a further conference be asked on the disagreeing votes of the two Houses on the said bill.

Ordered, That MESSRS. THOMAS, BARBOUR, and

PINKNEY, be the managers on the part of the Senate.

GENERAL JACKSON'S MEMORIAL.

On motion of Mr. KING, of New York, the memorial of Major General Andrew Jackson was taken up, and considerable debate took place, which ended, however, in those who had opposed the printing waiving their opposition to it. Those who supported the motion for printing the same, were MESSRS. KING of New York, WILSON, MORRIL, LANMAN, PINKNEY, EATON, and SMITH; and those who at first opposed it, but withdrew their opposition on explanation of some passages in it, and on understanding that no further proceeding was proposed with regard to it, were MESSRS. WALKER of Georgia, DANA, and BURRILL. The memorial was then ordered to be printed. [It will be found in the Appendix 2d Session 15th Congress, page 2308, *et seq.*]

MAINE BILL.

Mr. THOMAS, from the managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill, entitled "An act for the admission of the State of Maine into the Union," made the following report:

That the Committee of Conference recommend to the two Houses that the word "next" be stricken out of the said bill, and the words "in the year one thousand eight hundred and twenty," be inserted in lieu thereof.

Whereupon, it was

Resolved, That the Senate concur in both the reports of the Committee of Conference; that they recede from their amendment to the said bill, and that it be amended by striking out of line the third the word "next," and inserting in lieu thereof "one thousand eight hundred and twenty," accordingly.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence in the said amendment.

MONDAY, March 6.

Mr. WILLIAMS, of Tennessee, presented the remonstrance of Samuel Blackburn and others, complaining of the illegal and forcible seizure of their property by a party of the Creek Indians, while within the limits of the Cherokees, and praying relief; and the remonstrance was read, and referred to the Committee on Indian Affairs.

Mr. ORIS presented the memorial of Samuel Brown and others, in behalf of themselves and others, holders of the Mississippi stock in Massachusetts, praying provision may be made for the redemption of said stock; and the memorial was read, and referred to the Committee on Finance.

Mr. JOHNSON, of Kentucky, presented the petition of S. H. Cone and others, praying an act of incorporation for certain evangelical and literary purposes; and the petition was read, and referred to the Committee on the District of Columbia.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Cath-

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Remission of Duties.

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arine Shapley, of Portsmouth, in the State of New Hampshire, made a report, accompanied by a resolution that the petitioner have leave to withdraw her petition. The report and resolution were read.

Mr. WILLIAMS, of Tennessee, gave notice, that, to-morrow, he should ask leave to bring in a bill further to amend the judicial system of the United States.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ebenezer Stevens and others; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Margaret Clark, relict of the late Major John Clark, an officer of the Pennsylvania line in the American Revolution, (now deceased,) praying Congress to grant a renewal and continuance to her of the pension which her late husband received under the act of 18th March, 1818; and, in concurrence therewith, resolved, that the petitioner have leave to withdraw her petition.

The bill to increase the allowance of the Judges of the Orphans' Court in the counties of Washington and Alexandria, was read the second time.

The bill, entitled "An act to authorize the President of the United States to appoint a receiver of public moneys, and register of the land office, for the district of Lawrence county, in the Arkansas Territory," was read the second time, and referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands, together with an amendment proposed thereto; and the further consideration thereof was postponed until Wednesday next.

The bill from the House of Representatives to provide for taking the fourth census was taken up, and, after undergoing some amendments not involving any question of importance, it was ordered to a third reading.

The bill authorizing the issuing of a patent right to Richard Willcox, and the bills for the relief of Francis B. Languille, and of John Pellett, were severally taken up, and ordered to be engrossed for a third reading.

REMISSION OF DUTY.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of William C. Kausler, made a report, accompanied by a resolution that the prayer of the petitioner be refused. The report is as follows:

The Committee on Finance submit to the Senate their report upon the petition of William C. Kausler.

On the 9th day of April, 1818, the brig Nordberg, laden with a cargo of sugar, coffee, logwood, and cigars, sailed from Havana for Hamburg. The brig belonged to a Danish subject; the cargo was the property of merchants and citizens of Hamburg; and the petitioner, who is a subject of Denmark, was the supercargo. On the 11th day of the same month, in the latitude of Cape Florida, the brig and cargo were met

by an armed schooner, and were forcibly and piratically seized by the persons belonging to the schooner. The officers and crew of the brig, and the petitioner, were taken from their vessel, put on board of the schooner, and sent to the West Indies. The pirates, having taken the brig and cargo into their possession, conducted them to the port of Savannah, in Georgia. The cargo was entered at the custom-house of Savannah; the duties upon it were paid by the person or persons who entered the goods; and those duties have been paid into the Treasury. The cargo was discharged and sold. It was sold by some agent or agents appointed by the pirates, and was purchased, in parcels, by different persons in Savannah. It is stated that the sums for which the cargo was sold were received by the pirates, or by their agents. Soon after the arrival of the brig at Savannah, the attorney of the United States for Georgia instituted a suit in the district court of the United States against the brig and cargo, and against all persons into whose hands the cargo or its products had come, claiming these effects as having been obtained by piracy, in order that they might be adjudged as justice should require. The agents of the pirates, and the persons who had purchased the cargo at Savannah, were made parties to this suit. The petitioner, having arrived at Savannah after the commencement of the suit, became a party to it, and, as the agent of the owners, claimed the benefit of the suit, and restitution of the cargo, or its value. After a course of legal proceedings, the litigation was terminated by a decree made by the consent of the parties. It was agreed, by this decision, that the several purchasers of the cargo should pay to the petitioner the value of the parts of the cargo which they had respectively purchased, taking the value as it existed at Savannah, but deducting therefrom the amount of the duties which had been paid to the United States. The sum thus agreed to be paid by those who had purchased or received the cargo from the pirates, and to be received by the petitioner, was forty-two thousand dollars; the duties which had been paid to the United States were sixteen thousand three hundred and six dollars and fifty cents; and these sums together, amounting to fifty-eight thousand three hundred and six dollars and fifty cents, are stated to have been the value of the cargo at Savannah.

Upon these facts the petitioner prays that the duties which have been paid to the United States may be paid from the Treasury to him.

The reasons urged in support of this application are, that these goods were not subject to our duties; that the rightful owners are entitled to restitution of the goods, or to their full value; and that the United States ought not to derive profits from an act of piracy.

1. It is said that these goods were not legally subject to duty, because they were imported by pirates, and not with the assent of the true owners. Our laws concerning duties make no such distinction. Our duties are imposed upon merchandise imported in fact. Whether the importer is the true owner or rightful possessor of the goods or not, the goods are equally subject to duty. The goods are themselves subjected to duty, whoever may be the importer; and all questions of private rights, between different claimants of the same goods, are left to the ordinary course of justice. These goods, therefore, though imported by pirates, were justly subject to our duties.

2. It is the duty of all nations to lend their justice and employ their force to suppress piracy. We ac-

knowledge this obligation, and obey its precepts. The true owners of these goods were entitled to restitution of the goods, or to just compensation for their loss. If specific restitution could not be made, because the goods had been removed, dispersed, or consumed, a just equivalent was to be paid, not by this Government, but by the pirates, and by those who had been engaged with pirates in the commerce of these goods. This Government was not bound to pay or to lose any thing whatever in this case. Our obligation was, to lend the arm of our justice to compel restitution or compensation. We were bound to give to the true owners the aid of our laws and tribunals against the goods and against all persons within our jurisdiction. This obligation has been discharged. The petitioner resorted to one of our courts for redress. He impleaded the persons who had purchased or received the goods from the pirates. His claim against them was just, and was admitted. If he was entitled to recover against them, he was entitled to the full value of the goods—to the value which the goods bore at Savannah—to that sum which the goods had already produced, or would produce, upon a sale in the market of Savannah. That value comprehended the amount of the duties which had been paid to the United States. Such at least might be one measure of his redress; and it is to be presumed that, if he had prevailed in adverse litigation, he would have recovered the amount of the duties as a part of the value of the goods. But the suit was compounded by the parties. An amicable decree was made, by which the petitioner agreed to accept from the purchasers or receivers of the goods at Savannah a part of the value in question.

This compromise gives him no claim upon the Government for the residue of that value. The duties had been paid, and the goods were in the market of this country, before the petitioner appeared to claim redress. If the petitioner had arrived after the importation, and before the duties were paid, he could not have obtained possession of the goods, without discharging the duties to the United States. If he had advanced the duties, he, like any other owner of goods paying duties, would have found his compensation for the duties advanced in the superadded value which such goods derive from the duties with which they are charged. If the petitioner had obtained restitution of the goods in kind, at Savannah, after the duties had been paid by others, he would have had no pretence to ask this Government for the duties; since, in that event, the goods in his hands would have been augmented in value by the amount of the duties. If he had obtained from the pirates or their agents the full value of the goods, comprehending the duties, he would have had no pretence to ask for the duties in the Treasury. He could never be allowed to recover the amount of the duties once in the augmented value which the goods had derived from the duties, and once more in the payment of the duties themselves to him from the Treasury. If he could not obtain restitution in kind or in value, because the goods could not be traced, or because the persons responsible to him for their value could not be found within our jurisdiction, or because those persons might be unable to make satisfaction, he might be unfortunate, but this Government would be under no obligation to indemnify him for any part of his loss. It is not necessary here to determine what would have been the true standard of his redress against the pirates or the receivers of the goods. Whatever may be the just

measure of his redress against them, and whatever has been or might have been the event of his claim, either upon the goods themselves, or against persons in this country or in any other country, these duties to the public have been rightfully levied and received by us. These duties belong to our revenue; and, though the petitioner had rights, they were not rights against our revenue. He had no pretence of claim upon this Government for compensation. Having made a voluntary composition with other parties, by which he has obtained more than two-thirds of the amount of his claim from them, he now proposes that the Government shall pay him the residue; and the compromise thus made is offered as one of the reasons for this request. This Government never owed him any compensation; and he is not at liberty to convert his claim upon private persons into a demand upon the Treasury of the United States.

3. It is said that to retain these duties would be to avail ourselves of an act of piracy; since, if the goods had not been seized by pirates, they would not have been imported into the United States. Our duties are levied upon the importation of merchandise into our country; and our laws allow no exemption from those duties in favor either of pirates, or of those who may be robbed by pirates. Our revenue has no concern with the private questions of right and wrong which may exist, either abroad or here, in relation to the merchandise imported. The question now presented is not so much whether we shall gain, as it is whether we shall lose, by this importation. Have the goods been consumed in this country? If so, the duties have been paid by the consumers; and, as taxes levied upon our own citizens, they should accrue to our own revenue. Have the goods been exported? In that case, the duties have been paid from the Treasury to the exporter. If we should now pay these duties to the petitioner, the amount would be an absolute loss to our revenue. The petitioner would indeed receive the benefit of the amount, but his claim to this benefit is not against this Government; it was against the pirates and receivers of the goods, and they have already received the amount of the duties, by their own disposition of the merchandise. When we levy and retain our own duties, in a case like this, we merely enforce our own revenue laws—we give no sanction to piracy, and we do no injustice.

Such is the opinion of the committee, and such would it be were the petitioner and they whom he represents citizens of the United States. He and they are foreigners, but the law of nations affords no support to the claim which is now preferred. It is not required, even by the most scrupulous and delicate regard to the obligations of nations, that the loss of these duties should fall upon the Government of the United States.

The claim of the petitioner for the duties paid into the Treasury appearing to the committee to be destitute of merit, they recommend the following resolution:

Resolved, That the prayer of the petitioner be refused.

PUBLIC LANDS.

The bill further to suspend the sale or forfeiture of lands for not completing the payment thereon, being taken up, a motion was made to postpone it to Wednesday next.

The motion was opposed by Mr. NOBLE, who stated that the bill contained no new principles;

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Property Lost, &c.

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that if passed at all, it was necessary to be passed without delay, that timely notice might be communicated to the various land offices; that, as it has no connexion with the other land bill, just postponed, and embraced no principle that had not been familiar to the Senate for years, and about which there was no difference of opinion, he hoped it would be acted on at once.

Mr. KING, of New York, was willing to accommodate gentlemen, where no public detriment would arise from his acquiescence; but the bill now before the Senate had a connexion with the bill just postponed. If that bill passed, he would have no objection whatever to the present one. He would be among the first to give all equitable indulgence to those indebted for lands; but, should the other measure fail, he was by no means prepared to say that the bill now before them ought to pass.

The bill was postponed to Wednesday.

TUESDAY, March 7.

The PRESIDENT communicated a letter from the Secretary of the Treasury, transmitting a copy of the letter of the 2d of May, 1814, from the Secretary of the Treasury to Jacob Barker, in obedience to a resolution of the Senate of the 1st instant; which were read, and referred to the Committee of Claims.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill providing for the better organization of the Treasury Department, reported the same without amendment.

Mr. RUGGLES, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Gabriel Godfroy; and the bill was read, and it passed to the second reading.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; and the bill was read, and passed to the second reading.

Mr. TRIMBLE presented to the Senate certain resolutions of the Legislature of Ohio, in favor of the application of six thousand dollars heretofore appropriated, but not expended, to the surveying and opening a road from the foot of the Rapids of the Miami of the Lake, to the western line of the Connecticut Reserve, and a road from Lower Sandusky, southwardly, to the Indian boundary line; which were read, and referred to the Committee on Roads and Canals.

Mr. WILLIAMS, of Tennessee, having obtained leave, introduced, agreeably to notice, a bill further to amend the judicial system of the United States—[to form an additional judicial circuit, to be composed of the districts of East and West Tennessee and the State of Alabama, and for the appointment of a circuit judge, &c., therefor;] which bill was twice read, by general consent, and referred.

On motion by Mr. JOHNSON, of Kentucky,
Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making provision by law for the payment to the

several deputy surveyors in the Missouri Territory full compensation for the lines which bound each survey, whether separate or adjoining other claims or surveys, and which have been, or shall hereafter be made, under the authority of the United States. And, also, to inquire into the expediency of paying the said several deputy surveyors for their extra travelling expenses, where that travelling has been performed with a view to the surveying of one claim, or a small number of claims, and when such travelling was the consequence of any mistake in the commissioners, their clerk, or the recorder of land titles, in the proper location or description of the claim, or in the list of confirmed claims given to such deputies for their respective guides.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of a number of citizens of the United States, inhabitants of Michigan Territory; and, in concurrence therewith, resolved, that the prayer of the petitioners ought not to be granted.

The report of the Committee of Claims unfavorable to the petition of Joseph Lefebvre, (claiming indemnity for damages sustained in his property, by its occupation by the American militia, at New Orleans in the late war,) was taken up.

After some explanatory remarks by Mr. JOHNSON, of Louisiana, and on his motion, the report was reversed, and the Committee of Claims instructed to bring in a bill for the relief of the petitioner to the extent which may be supported by satisfactory evidence.

The amendments to the bill, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

The bill authorizing the Secretary of State to issue letters patent to Richard Willcox was read a third time, and passed.

The bill for the relief of Francis B. Languille was read a third time, and passed.

The bill for the relief of John Pellett was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose, together with the amendments reported thereto by the Committee on the District of Columbia; and, on motion by Mr. PLEASANTS, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the allowance of judges of the orphans' court in the counties of Washington and Alexandria; and, on motion by Mr. PLEASANTS, it was ordered to lie on the table.

PROPERTY LOST, &c.

The Senate resumed the consideration of the bill making payment for horses, &c., lost in the Seminole war, and having been further amended,

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Proceedings.

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(by adding the proviso to the last section,) was ordered to be engrossed and read a third time, without objection, as follows: [the words in brackets being stricken out.]

Be it enacted, &c. That any officer, volunteer, or ranger, engaged in the campaign of eighteen hundred and eighteen, against the Seminole Indians, who has sustained damage by reason of the loss of any horses, [killed or wounded in battle, or which died, or became useless, in consequence of wounds received whilst engaged in said campaign; or] which, in consequence of the Government of the United States failing to supply sufficient forage, while engaged in said service, died, or were compelled to be abandoned and left; or which, being dismounted from in battle, escaped from the owner and were lost, shall be allowed the value thereof.

Sec. 2. And be it further enacted, That said officers and volunteers, for the loss of any necessary equipage of said horses, or for any guns lost in said service, or which were left in the possession of the United States, or of any officer thereof, shall be allowed and paid the value thereof; said claims to be paid out of any of the moneys in the Treasury, not otherwise appropriated.

Sec. 3. And be it further enacted, That the accounting officers of the Treasury Department shall audit and settle those accounts under such rules and regulations as the President of the United States may prescribe: *Provided, always,* That if any payment be made on account of clothing to any officer or volunteer, and which may not be warranted by existing law, the amount by him so received shall be deducted from the value of said horse, equipage, &c.

WEDNESDAY, March 8.

Mr. SANFORD, from the Committee on Finance, in pursuance of an instruction of the Senate, reported a bill for the relief of certain sufferers by fire at Savannah, in Georgia; and the bill was read, and passed to the second reading.

Mr. WILSON, from the Committee of Claims, in pursuance of an instruction of the Senate, reported a bill for the relief of Joseph Lefebvre; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to authorize the President of the United States to appoint a receiver of public moneys and register of the land office for the district of Lawrence county, in the Arkansas Territory," reported the same without amendment.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ebenezer Stevens and others; and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Catharine Shapley, of Portsmouth, in the State of New Hampshire, widow; and, in concurrence therewith, resolved that the petitioner have leave to withdraw her petition.

The Senate resumed the consideration of the report of the Committee of Finance upon the petition of William C. Kausler; and the further

consideration thereof was postponed until to-morrow.

Mr. EATON presented the petition of George Harpole, praying compensation for a horse lost in the service of the United States during the campaign against the Creek Indians in the Autumn of 1813; and the petition was read, and referred to the Committee of Claims.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the further consideration thereof was postponed until to-morrow.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the fourth of January last, a report from the Secretary of State, with a list of fines incurred under the act of Congress, entitled "An act in addition to the act for the punishment of certain crimes against the United States," which appear from the records of the Department of State to have been remitted by the Executive authority of the United States.

JAMES MONROE.

MARCH 4, 1820.

To the Senate of the United States:

I transmit to Congress a report from the Secretary of the Treasury, which, with the accompanying documents, will show, that the act of the 20th of May, 1812, respecting the northern and western boundaries of the State of Ohio, has been executed.

JAMES MONROE.

MARCH 8, 1820.

The Messages, together with the accompanying reports and documents, were respectively read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1820," in which bill they request the concurrence of the Senate.

The bill was read, and passed to the second reading.

The bill for the relief of Gabriel Godfroy, and also the bill for the relief of Mary Cassin, widow, and administratrix of Patrick Cassin, deceased, were respectively read the second time.

Mr. VAN DYKE presented the petition of Samuel Farral; the petition of Rowleigh C. Christian; the petition of Tohandocke, an Indian chief; the petition of John Dougherty; and the petition of James Hayes; respectively praying a pension.

He also presented the petition of Jonathan D. Carrier; the petition of John Reed; the petition of Moses Smith; the petition of Shubael P. Hibbard; the petition of Abel Sholes; the petition of Gustavus Alduck; the petition of Joseph Legon; the petition of Nicholas Welch; the petition of Dean Weymouth; the petition of Benjamin Randall; the petition of John Patterson; and the petition of Jeremiah Betts, praying an increase of their pensions; and the petitions were respectively read, and referred to the Committee on Pensions.

MARCH, 1820.

Public Land Sales.

SENATE.

THE PUBLIC LANDS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands, together with the amendment proposed thereto by Mr. WALKER, of Alabama, as follows:

And be it further enacted, That purchasers of public lands, which have been sold prior to the — day of — next, shall be permitted to forfeit and surrender the same before the day of final payment, by delivering their certificates to the register, and endorsing thereon their consent that the land therein described shall be re-sold: whereupon, the said certificates shall be considered as cancelled; and the land shall be deemed and taken to have reverted to the United States, and shall be disposed of, in all respects, like other reverted or forfeited lands, according to the provisions of the fourth section of this act; but, if such lands should be sold for more than one dollar and — cents per acre, the excess shall be paid over to the former certificate-holder: *Provided,* That such excess shall not be greater than the amount previously paid on such certificate.

Mr. WALKER submitted a number of arguments in support of his amendment, and entered into particular statements of the amount of sales, the prices given in Alabama and elsewhere, for public lands, the great amount of debt due and becoming due, &c., to show the propriety of affording the relief which his amendment contemplated; but, as the Senate was this morning thin, and the subject before it of great importance, he hoped its consideration might for the present be postponed.

Mr. WILSON, though uniformly friendly to the principle of the bill, was willing to defer its consideration until the Senate should be full, and moved to postpone it till to-morrow.

Mr. THOMAS proposed a postponement to Wednesday next.

Mr. OTIS was opposed to so distant a postponement, as he feared it might endanger the bill, which had already been postponed through all the moods and tenses. It had been lost in the other House, at the last session, after passing this; for want of time. Should it be again defeated from the same cause, it was to be feared that they might bid adieu to all hope of the measure. Mr. O. made a remark or two on the subject of the amendment, to show that, however equitable the relief, it was doubtful whether the measure would be proper before the debt for which the sales were pledged had been paid off.

Mr. WALKER replied, to obviate the objection of Mr. OTIS; and the postponement was supported by Mr. NOBLE, and opposed by Mr. RUGLES.

The motion to postpone to Wednesday was lost, and the motion for to-morrow prevailed—18 to 14; but a reconsideration of the vote was subsequently moved and agreed to, and the motion to postpone being then negatived, the Senate resumed the consideration of the bill and amendment.

Mr. KING, of Alabama, had no hope, from the indications which he saw, that the amendment would be adopted; but, if the change proposed by the bill should take place, he had no doubt the Legislature would see the necessity of some such

relief as the amendment offered. He would now merely call for the yeas and nays on the question.

The amendment was supported by Messrs. EDWARDS and KING of Alabama, and was opposed by Messrs. TRIMBLE, LANMAN, and KING of New York, not because opposed to affording the relief contemplated, but from an unwillingness to connect it with the present bill, &c.

The question being taken on the amendment, it was decided by yeas and nays, as follows:

YEAS—Messrs. Edwards, Johnson of Kentucky, King of Alabama, Logan, Noble, Smith, Thomas, and Walker of Alabama—8.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Hunter, Johnson of Louisiana, King of New York, Lanman, Leake, Lowrie, Macon, Mellen, Morrill, Otis, Palmer, Parrott, Pleasants, Rugles, Sanford, Stokes, Taylor, Trimble, Van Dyke, Williams of Mississippi, Williams of Tennessee, and Wilson—29.

Mr. EDWARDS said, although he was decidedly opposed to the change in the mode of disposing of the public lands, which is provided for by the bill now under consideration, from the strongest convictions, that, while it is calculated to operate with peculiar hardship upon those who have not the good fortune to have the present command of money, and to retard the settlement and check the prosperity of the State which he has the honor, in part, to represent, it was also inexpedient, on the part of the Government itself, to place its own interest so much in the power of moneyed capitalists, who, owing to the present temporary scarcity of money, can, by combinations for that purpose, with the utmost facility put down competition at the public sales, and engross as much of the best lands as they please, upon the lowest terms or minimum price; yet, if the bill must pass, and I see (said Mr. E.) no prospect of opposing it with success, in this House, I do most sincerely hope it will be with such modifications as will produce the least individual hardships and the most general satisfaction; for, whatever may have been the zeal with which I have hitherto opposed the measure, I can assure gentlemen that it has been no part of my object to excite discontents elsewhere, and that there is no man living who has been more uniformly disposed to discountenance local jealousies, and to cherish a spirit of concord and harmony throughout every part of our common country, than I myself have been.

My judgment may have deceived me; my personal interest, however, I well know, cannot have misled me; for that would have been promoted by the contemplated change, which cannot fail to be beneficial to all those who have heretofore purchased lands which they wish to dispose of, or who have money to purchase, with that view; and hence it is, probably, that we have seen letters from large landholders in the West to members of this body, exhibited as disinterested testimony in favor of the proposed change, and passing from seat to seat, for the purpose of convincing our minds, not only of its propriety, but of the absolute necessity for its speedy adoption.

Mr. E. contended, that the present system of

disposing of the public lands had been successfully tested by the experience of many years; that Ohio and Indiana, in particular, had flourished under its operation, and, without any injury to the Union, had increased their population and prosperity with unparalleled rapidity. But, said he, like all other human institutions, it seems that the system had not the necessary perfection to suit it to all times and circumstances; and it is alleged, as a reason demanding the proposed change, that excessive purchases were made, during a period of universal delusion, which equally operated upon every thing else, and which no one believes is likely to recur, for a long time to come at least. But, said he, can it be a dictate of wisdom to predicate a general system upon a particular and extraordinary case, which is gone by, and in all probability will never again occur? Can it be wise, to select that moment for abolishing all credit upon the sale of public lands when money is scarcer than it has ever heretofore been, and thereby to retard the settlement of those lands, at the very time when the state of things which produced the supposed evils of the credit system is rapidly disappearing, which is now most certainly the case, as far as I am informed on the subject? Can it be just to withhold from our fellow-citizens, who have not heretofore purchased any public lands, the opportunity of doing so upon the same terms that have been allowed to others? Can it be right, merely because others have heretofore purchased injudiciously, during a period of general delusion, to refuse credit to those who may hereafter wish to purchase discreetly, lest they should be tempted to injure themselves, in like manner, when no such delusion exists?

But, said he, it is not my purpose to discuss, at large, the merits of the proposed change. I will, at present, content myself with an effort, merely, to shield the present settlers upon public lands from merciless speculators, whose cupidity and avarice would unquestionably be tempted by the improvements which those settlers have made with the sweat of their brows, and to which they have been encouraged by the conduct of the Government itself; for, though they might be considered as embraced by the letter of the law which provides against intrusions on public lands, yet, that their case has not been considered by the Government as within the mischiefs intended to be prevented, is manifest, not only from the forbearance to enforce the law, but from the positive rewards which others, in their situation, have received, by the several laws which have heretofore granted to them the same right of pre-emption which I now wish extended to the present settlers.

The settlements which have been made by this description of our population, so far from injuring in any way the interest of the Government, have, in all cases with which I have been acquainted, (and few have had an opportunity of knowing more upon the subject than myself,) actually benefitted it, by enhancing the value of the adjoining lands, and increasing the facilities of settling them.

Those settlements have been made with the ex-

pectation of acquiring the lands including them, under the existing law. The number and value of such improvements are much greater than they would have been had not certain lands been kept out of market much longer than was reasonably anticipated. None of those settlers have supposed that they would have to pay down more than one-fourth of the purchase money upon the tracts which they wish to buy; few of them will be able to pay more; the most of them have already opened farms, from which they could reasonably calculate upon paying the future instalments as they would become due. And it does appear to me that it would be both cruel and impolitic to disappoint such expectations, by placing those people, so completely as the proposed change would do, in the power of moneyed speculators. To guard against which, and to prevent those serious discontents, if not commotions, which otherwise must take place, I offer the amendment which I now hold in my hand, and which, so far from being calculated to defeat the bill, cannot, if adopted, fail to contribute greatly to its success, by removing some of the most serious and important objections to its passage.

The amendment is as follows:

"Be it enacted, &c., That every person, or the legal representatives of every person, who has actually inhabited and cultivated, and who now resides upon any tract of land lying in any district established for the sale of public lands, which tract is not rightfully claimed by any other person, such person, so residing as aforesaid, or his legal representative, shall be entitled to a preference in becoming the purchaser from the United States of such tract of land, at private sale, upon the same terms and conditions, in every respect, as have heretofore been provided, by law, for the sale of other lands sold at private sale: Provided, That no more than one quarter section of land shall be sold to any one individual in virtue of this act, and the same shall be bounded by the sectional and divisional lines run, or to be run, according to law: Provided, also, That no lands reserved from sale by former acts, or lands which have been directed to be sold in town lots, shall be sold under this act.

"Be it further enacted, That every person claiming a preference in becoming the purchaser of a tract of land in virtue of this act, shall make known his claim by delivering a notice, in writing, to the register of the land office for the district in which the land may lie, wherein he shall particularly designate the quarter section he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same. And, in every case where it shall appear to the satisfaction of the register and receiver of public moneys of the land office, that any person, who has delivered his notice of claim, is entitled, according to the provisions of this act, to a preference in becoming the purchaser of a quarter section of land, such person so entitled shall have a right to enter the said quarter section, or half thereof, with the register of the land office, on producing his receipt from the receiver of public moneys for at least one twentieth part of the purchase money, as in case of other lands sold at private sale: Provided, That all lands to be sold under this act, which shall not have been previously exposed to public sale, shall be entered

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with the register at least two weeks before the time which may be appointed for the commencement of the public sale thereof. And every person, having a right of preference in becoming the purchaser of a tract of land, who shall fail so to make his entry with the register within the time prescribed, his right shall be forfeited, and the land, by him claimed, shall be offered at public sale with the other public lands in the district to which it belongs."

Mr. KING, of New York, observed that, if the change of system were favorable to speculators, he should be found in the negative. But, so far from this being the fact, he considered the change as highly favorable to the poor man; and he argued at some length, that it was calculated to plant in the new country a population of independent, unembarrassed freeholders; that by offering the lands in eighty-acre lots, it would place it in the power of almost every man to purchase a freehold, the price of which could be cleared in three years; that it would cut up speculation and monopoly; that the money paid for the lands would be carried from the State or country from which the purchaser should remove; that it would prevent the accumulation of an alarming debt, which experience proved never would and never could be paid.

Mr. JOHNSON, of Louisiana, was decidedly opposed to the bill, because he conceived it would be injurious to the interests of Louisiana, and of the nation at large. He argued that the present system had been in existence twenty years; that the people were satisfied with it; that the country had thriven and prospered under it; that the change would operate oppressively on a large class of actual settlers in Louisiana and elsewhere, who ought to be secured by some provisions, &c.

Mr. RUGGLES had no objection to the amendment; but he spoke to show that, if the change took place at all, it ought to be total; that he should oppose the change unless the price was reduced, and the land offered in half quarter sections, &c.

Mr. JOHNSON, of Kentucky, despaired of defeating the bill here, but expressed his hopes that it would meet its fate in the other House. Mr. J. supported the amendment, and argued at some length against the bill. He contended that no system which the Government had ever adopted had been productive of so much benefit to the nation as that under which the public lands had heretofore been disposed of, &c.

Mr. TRIMBLE replied to certain remarks of Mr. EDWARDS and Mr. JOHNSON, of Louisiana, in reference to the operation of the land system in Ohio, and also in support of the proposed change.

Mr. NOBLE next rose, and entered into a very particular examination of the system, from its commencement, twenty-five years ago, up to the present time, to show the impolicy of the contemplated change, and the propriety of the amendment. He replied at large to Mr. KING and others, to show that it would be easy for speculators and monopolists to combine and destroy competition at the public sale, to purchase up the best lands, and afterwards to extort from the poor an exorbitant price, to bring their purchases into competition with the Government lands, &c.

Mr. KING, of New York, replied, and Mr. NOBLE rejoined; after which—

The question was taken on Mr. EDWARDS's amendment, and negatived as follows:

YEAS—Messrs. Brown, Edwards, Johnson of Kentucky, Johnson of Louisiana, Logan, Noble, Smith, and Thomas—8.

NAYS—Messrs. Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Hunter, King of Alabama, King of New York, Lanman, Leake, Lowrie, Macon, Miller, Morrill, Noble, Otis, Palmer, Parrott, Pleasants, Ruggles, Sanford, Taylor, Trimble, Van Dyke, Walker, of Alabama, Williams of Mississippi, Williams of Tennessee, and Wilson—28.

Mr. NOBLE then moved to amend the bill by striking out all that part thereof which provides that the sales shall be made for cash; and leaving that part of the bill which directs the lands to be offered for sale in half quarter sections.

This motion was negatived, by yeas and nays, 28 to 8, the members present voting precisely as on the preceding question.

Mr. JOHNSON, of Louisiana, offered to amend the bill by inserting a clause, providing substantially that such lands as should not bring the minimum price, should, after remaining unsold a certain number of years, be offered at a less price, and, after the lapse of further time, at a still less price, &c.; which motion he offered on the ground that there was in Louisiana, and elsewhere, a great deal of land which would never bring the minimum price, and that it ought, in due time, to be offered at such a price as would induce its purchase and settlement.

The motion was opposed by Messrs. MELLÉN and LANMAN, for the reason chiefly that it would be premature legislation; and that, even if the provision were now necessary, it would be better to bring it forward in a distinct bill, &c. Mr. LEAKE concurred in the expediency of the provision, but not connected with the present bill.

The motion was negatived by a large majority.

The Senate then proceeded to fill the blanks. The first being that left for fixing the period when the new system shall go into operation—

Mr. WILLIAMS, of Mississippi, (chairman of the Land Committee) moved to fill the blank with the first of July next.

Mr. JOHNSON, of Louisiana, moved to fill it with the first of July, 1821. This motion was negatived; and the blank was then filled, as moved by Mr. WILLIAMS.

Mr. WILLIAMS next moved to fill the blank left for fixing the minimum price of lands, with the sum of one dollar and twenty-five cents; which sum had been agreed on by the Land Committee, as, under existing circumstances, the most fair and reasonable.

Mr. EATON moved to fill the blank with one dollar and fifty cents.

Mr. JOHNSON, of Louisiana, would prefer fixing the price at one dollar only.

Mr. KING, of New York, was opposed to \$1 50, and in favor of \$1 25; and, after some remarks from each of the gentlemen in support of their different opinions—

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The blank was filled with *one dollar and twenty-five cents*, by a large majority.

The bill was then ordered to be engrossed and read a third time as amended.

The bill further suspending the sale or forfeiture of lands, for non-payment, was also taken up, and ordered to be engrossed for a third reading.

Mr. THOMAS gave notice that he should, on Thursday week, ask leave to introduce a bill for giving the right of pre-emption to actual settlers on the public lands.

PROPERTY LOST, &c.

The bill to make compensation for horses, &c., lost or destroyed in the Seminole war, was taken up.

Mr. PLEASANTS, after stating that there had been a report made by a committee of the other House, which he understood would throw considerable light on the events out of which this bill grew, and which he should be glad to examine before it was finally acted on, moved to lay the bill on the table.

Mr. EATON opposed the motion, as the only fact disclosed by the report referred to, which could affect the bill, was provided for by the proviso yesterday added to the bill.

A short debate followed between Mr. EATON and Mr. PLEASANTS, entering somewhat into the merits of the bill; in which it was advocated by the former; and, though not opposed by the latter gentleman, yet he offered some reasons to show why it would be better and cheaper to pay the full value of those horses in the first instance, and sell them when the service was performed, than to pay forty cents a day for their use, and then allow compensation for such losses as were provided for by this bill.

The discussion ended in a variation of the motion to postpone the bill to Monday next, which was agreed to.

THURSDAY, March 9.

The PRESIDENT communicated an act of the Legislature of the State of Ohio, entitled "An act respecting a navigable communication between Lake Erie and the Ohio river;" and the act was read, and referred to the Committee on Roads and Canals.

The PRESIDENT also communicated a resolution of the same Legislature, respecting a pre-emption of twelve sections of land, for seats of justice in new counties; and the resolution was read, and referred to the Committee on Public Lands.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the President pro tempore of the Senate:

I transmit to the Senate copies of sundry papers, having relation to the treaty of 22d February, 1819, between the United States and Spain, which have been received at the Department of State, and have not before been communicated to the Senate.

JAMES MONROE.

MARCH 8, 1820.

The Message, together with the accompanying

papers, were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Rosalie F. Deslonde; and the bill was read, and passed to the second reading.

Mr. ROBERTS presented the memorial of the Chamber of Commerce of the city of Philadelphia, remonstrating against any change in the revenue system of the United States; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of John Delafield, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom the subject was referred, reported a bill for the relief of Robert Swartwout; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill to provide relief for sick and disabled seamen; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill, declaring the consent of Congress to an act of the State of Georgia, passed on the nineteenth day of December, 1818; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, in New Hampshire; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the same committee, to whom the subject was referred, reported a bill, to provide for clothing the Army of the United States in domestic manufactures; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Thomas L. Ogden, on behalf of himself and others, made a report, accompanied by a bill for the relief of Thomas L. Ogden, and others. The report and bill were read, and passed to the second reading.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Ephraim Hart, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee on Finance, upon the petition of William C. Kausler; and the further consideration thereof was postponed until Thursday next.

The bill for the relief of Joseph Lefebvre, and also the bill for the relief of certain sufferers by fire at Savannah, in Georgia, were read the second time.

The bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1820," was read the second

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time, and referred to the Committee on Naval Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Vincent Grant; and the further consideration thereof was postponed until to-morrow.

The President communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate of the 1st instant, containing a statement of the amount of the two per cent. fund, arising from the sales of public lands in the States of Ohio, Indiana, and Illinois, to the 30th of September, 1819; and the report was read.

PUBLIC LANDS.

The bill making further provision for the sale of public lands was read a third time; and, on the question, "Shall this bill pass?" it was determined in the affirmative—yeas 31, nays 7, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Hunter, King of Alabama, King of New York, Lanman, Leake, Lowrie, Macon, Mollen, Morrill, Otis, Palmer, Parrott, Pleasants, Roberts, Ruggles, Sanford, Stokes, Taylor, Tichenor, Trimble, Van Dyke, Walker of Alabama, Williams of Mississippi, Williams of Tennessee, and Wilson.

NAYS—Messrs. Brown, Edwards, Johnson of Kentucky, Johnson of Louisiana, Logan, Noble, and Smith.

So it was resolved that this bill pass, and that the title thereof be, "An act making further provision for the sale of public lands."

The bill further to suspend, for a limited time, the sale or forfeiture of lands, for failure in completing the payment thereon, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls, and the blank having been filled with "900," it was reported to the House; and, being concurred in, the Senate adjourned.

FRIDAY, March 10.

Mr. SANFORD, from the Committee on Finance, to whom was referred the petition of Benjamin Wells, reported a bill, supplementary to the act, entitled "An act for the relief of Benjamin Wells, and others;" and the bill was read, and passed to the second reading.

Mr. WILLIAMS, from the Committee on Public Lands, to whom was referred the bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Missouri Territory, reported the same with an amendment; which was read.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill more effectually to provide for the punishment of certain crimes against the United States and for other purposes;

and, also, the bill further to amend the judicial system of the United States, reported the same, respectively, without amendment.

Mr. VAN DYKE, from the Committee of Claims, to whom was recommended the report heretofore made upon the petition of Samuel F. Hooker, made a further report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

Mr. MELLEN gave notice, that, on Monday next, he should ask leave to bring in a bill for apportioning the Representatives in the Seventeenth Congress to be elected in the Commonwealth of Massachusetts and the State of Maine.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ephraim Hart; and the further consideration thereof was postponed until Monday next.

The bill for the relief of Thomas L. Ogden and others; the bill to provide for clothing the Army of the United States in domestic manufactures; the bill to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, in New Hampshire; the bill declaring the consent of Congress to an act of the State of Georgia, passed the 19th day of December, 1818; the bill for the relief of Robert Swartwout; and, also, the bill for the relief of Rosalie P. Deslonde; were severally read the second time.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Joseph Potter, made a report, accompanied by a resolution that the prayer of the petitioner ought not to be granted. The report and resolution were read.

The Senate resumed the consideration of the bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls; and it was engrossed, and read a third time.

The Senate took up the bill for the relief of Vincent Grant, authorizing compensation for a house, &c., destroyed by the enemy at Buffalo, in the late war.

The Senate occupied some time in examining the merits of this case, to ascertain if the occupation of the property by the American troops was such a one as had been recognised by the Senate as entitling the case to relief. The discussion was entered into by Messrs. WILSON, BURRILL, SMITH, OTIS, LANMAN, VAN DYKE, ROBERTS, and LOGAN. The bill was ultimately postponed to Wednesday, for further evidence of the facts.

A message from the House of Representatives informed the Senate that the House have passed a resolution to authorize the publication of part of the secret Journal of Congress under the Articles of Confederation, in which resolution they request the concurrence of the Senate.

The resolution was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John H. Piatt, together with the amendment proposed thereto; and the further consideration thereof was postponed until Monday next.

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Mr. SMITH, from the Committee on the Judiciary, to whom was referred the memorial of the Legislature of the State of Indiana, respecting the boundary line, reported a bill to authorize the President of the United States to ascertain and designate certain boundaries; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the better organization of the Treasury Department; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the President of the United States to appoint a receiver of public moneys and register of the land office for the district of Lawrence county, in the Arkansas Territory," and no amendment having been made thereto, it was reported to the House, and passed to the third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress a report from the Director of the Mint, of the operations of that institution during the last year.

JAMES MONROE.

MARCH 10, 1820.

The Message, together with the accompanying report, was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the bill for the relief of certain sufferers by fire, at Savannah, in Georgia; and the further consideration thereof was postponed until Monday next.

Mr. KING, of New York, submitted the following motion for consideration:

Resolved, That, from and after the —, the regulations and provisions of the act, entitled "An act concerning navigation," passed on the 18th day of April, 1818, be, and hereby are, extended and made applicable to the colony or island of Bermuda, to the Providence or Bahama islands, and to all other colonies, islands, and places under the dominion of Great Britain, in the West Indies, which are not now included within the regulations and provisions of the act aforesaid.

Resolved, That, from and after the —, no goods, wares, or merchandise, shall be imported into the United States from the province of New Brunswick, the province of Nova Scotia, the island of Newfoundland, or its dependencies, the colony or island of Bermuda, the Providence or Bahama islands, or any of them; or from any other province, colony, island, or place, under the dominion of Great Britain, in the West Indies, except such goods, wares, and merchandise, only, as are truly of the growth, produce, or manufacture, of the province, colony, or place from which the same shall be directly imported into the United States; and that all goods, wares, and merchandise, prohibited to be imported into the United States as aforesaid, which, after the said —, shall be imported or attempted to be imported into the United

States, contrary to the provisions of this act, shall be liable to seizure and forfeiture to the United States.

CLAIMS FOR PROPERTY LOST, &c.

The Senate took up the bill for the relief of Gabriel Godfroy, [making him compensation for a barn destroyed by the United States troops, in the battle of the River Raisin.]

This bill gave rise to considerable discussion, chiefly on the propriety of allowing compensation for damage done by a soldier, when it was not in evidence that he acted by the command of an officer. But this case derived no little interest from the great gallantry of the act which gave rise to this claim.

The anecdote, as related by Mr. TRIMBLE, and confirmed by other gentlemen from the West, was briefly this: In the combined attack by the British and Indians on General Winchester's army at the river Raisin, the enemy derived great advantage from a barn within short rifle shot of the picketing of the American camp, by means of which they were not only sheltered, but enabled to fire into the pickets. It was all-important that the barn should be destroyed, and the enemy dislodged. The soldier in question, at the almost certain sacrifice of his life, rushed from the pickets to the barn with a torch and set it on fire, and had the good fortune to escape the bullets that were showered at him. It was this barn, which the soldier's torch destroyed, that compensation was prayed for.

MESSRS. RUGGLES, TRIMBLE, JOHNSON of Kentucky, SMITH, LOGAN, WILLIAMS, and MORRIL, took part in the discussion, which ended (after the failure of a motion to postpone the bill) in ordering it to be engrossed for a third reading.

The bill for the relief of Joseph Lefebvre was next taken up, [to make payment for property destroyed in the late war at New Orleans;] and after being earnestly contested between Messrs. JOHNSON of Louisiana and BROWN for the bill, and Mr. ROBERTS against it, it was also ordered to be engrossed for a third reading.

BANKRUPT BILL.

The Senate resumed the consideration of the bill to establish an uniform system of bankruptcy; and having proceeded as far as the second section thereof, which provides for the appointment, by the district judges, of commissioners of bankruptcy—

Mr. BURRILL observed that he had an objection to the provisions of this section. He would prefer that these commissioners should be appointed in such numbers as might from time to time be deemed necessary, by the President of the United States. Mr. B. moved so to amend the section as to make it conform to his wishes.

Mr. OTIS was in favor of the amendment. Under the former system the commissioners were originally appointed by the judges; but it was afterwards found proper to transfer their appointment to the Executive, and the mode was accordingly altered. Mr. O. observed, however, that instead of bestowing the time and labor of the Senate on the consideration of amendments which after all

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might be thrown away, he thought it would be better for gentlemen who were opposed in principle to a bankrupt system to state their objections before the details of the bill were considered, that it might be seen what prospect there was of any system at all prevailing.

Mr. MACON was adverse to the amendment. He considered it more proper for the court to appoint these commissioners than for the Executive. The system ought to be altogether judicial. The courts appointed their clerks, &c., and they would be better acquainted with the qualifications and fitness of individuals to be selected for commissioners, in the different States, than the President could be. He had always thought it would have been better, under the old system, for the courts to have continued to make the appointments. The change had taken place early in Mr. Jefferson's administration, when feelings were very warm, and might have been in some degree the result of political feeling.

Mr. BURRILL had witnessed the operation of the latter mode in his part of the country, and had considered it the most proper, and it had given most satisfaction. He thought the appointment by the Executive would be the most likely mode to prevent partiality or favoritism. The judge might select three commissioners out of the whole number appointed by the President; and Mr. B. would be in favor of a large number being appointed by the President with that view.

Mr. MACON referred to instances to show that to give appointments to the President and Senate did not always insure honest officers; and was still of opinion that the judges would be better able to appoint proper persons in their own districts.

Mr. OTIS observed, in substance, that the office of commissioner was itself a judicial office, and one of great power and responsibility, and involved the exercise of duties in some respects equal to those of the judge himself. Mr. O. had considered the change made in the old system as beneficial, and was of opinion that, to commit the appointment of men to whom were confided duties so important and of so high a character to the district judges, would be inexpedient.

Mr. DICKERSON was also in favor of the amendment. There were cases in which appeal would be had from the commissioners to the very judge who would appoint them, unless the amendment prevailed. This, he thought, would be improper, and of itself showed the expediency of vesting the appointment in the President. It would prevent the appointment of prejudiced or partial persons, and be more likely to produce equity and fairness in all cases, &c.

The amendment was agreed to; when

Mr. KING, of Alabama, presuming there would be many other amendments offered to the details of the bill, moved, for the purpose of giving time for their preparation, and also for considering the principle of the bill, which was now fully under consideration, to postpone it to Monday; which motion was agreed to.

And on motion, the Senate adjourned until tomorrow.

MONDAY, March 13.

The PRESIDENT communicated a report of the Secretary of War, to whom was referred the petition of William March; and the report was read, and referred to the Committee on Military Affairs.

Mr. TAYLOR, from the Committee on the Public Lands, to whom was referred the memorial of John F. Ross and others, in behalf of William Conner, made a report, accompanied by a bill granting to William Conner the right of pre-emption to six hundred and forty acres of land; and the report and bill were read, and the bill passed to the second reading.

Mr. MELLEEN asked and obtained leave to bring in a bill for apportioning the Representatives in the Seventeenth Congress to be elected in the Commonwealth of Massachusetts and the State of Maine, and for other purposes; and the bill was read, and passed to the second reading.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill to establish the district of Pearl river; and the bill was read, and passed to the second reading.

Mr. KING, of New York, submitted the following motion for consideration, as an additional rule:

No person except members of the House of Representatives, their Clerk, Heads of the Executive Departments, Chaplains of Congress, Judges of the Supreme Court, and Attorney General of the United States, Commissioners of the Navy Board, Postmaster General, persons who have been members of the Senate, House of Representatives, or heads of the Executive Departments, persons who by name have received the thanks of Congress for their good conduct in the land or naval service of the United States, the Secretary of the President of the United States, Governors of any of the States and foreign Ministers resident at the Seat of Government, shall be admitted on the floor of the Senate.

On motion, by Mr. TRIMBLE,

Resolved, That the Secretary of the Treasury cause to be communicated to the Senate, a statement of the quantity of land which has been sold, the quantity which remains unsold, and the amount of sales in each land district in the States of Ohio, Indiana, and Illinois, respectively.

The Senate resumed the consideration of the report of the Committee of Claims to whom was recommended the report heretofore made upon the petition of Samuel F. Hooker; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Joseph Potter; and, in concurrence therewith, resolved, that the prayer of the petitioner ought not to be granted.

The bill to authorize the President of the United States to ascertain and designate certain boundaries; and, also, the bill supplementary to an act, entitled "An act for the relief of Benjamin Wells and others;" were severally read the second time.

The resolution authorizing the publication of part of the secret Journal of Congress under the Articles of Confederation, was read the second

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time, and referred to the Committee on the Judiciary.

The bill for the relief of John Harding, Giles Harding, John Shute, and John Nicholls, was read a third time, and passed.

The bill for the relief of Gabriel Godfroy was read a third time, and passed.

The bill for the relief of Joseph Lefebvre was read a third time, and passed.

The bill entitled "An act to authorize the President of the United States to appoint a receiver of public moneys and register of the land office for the district of Lawrence county, in the Arkansas Territory," was read a third time, and passed.

The Senate resumed the engrossed bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Missouri Territory, together with the amendment reported thereto by the Committee on Public Lands; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill more effectually to provide for the punishment of certain crimes against the United States and for other purposes; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill further to amend the judicial system of the United States; and the same having been amended, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for clothing the Army of the United States in domestic manufactures; and the further consideration thereof was postponed until Friday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the erection of a light-house on one of the Isles of Shoals near Portsmouth, in New Hampshire; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to an act of the State of Georgia, passed the nineteenth day of December, 1818; and the further consideration thereof was postponed until Wednesday next.

Mr. WALKER, of Alabama, gave notice that, on Wednesday next, he should ask leave to bring in a bill for the relief of purchasers of public land.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill for the relief of Robert Swartwout; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Rosalie P. Deslonde; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

BANKRUPT BILL.

The bankrupt bill having, according to the order of the day, been taken up—

Mr. OTIS observed, that though he, and he presumed other gentlemen, held themselves in readiness to examine and reply to the common objections made to this act, yet he felt unwilling to occupy time by an eulogium upon a system, or arguments in its favor, which were probably familiar to all. It was an act of immense importance, to which the public looked with anxious expectation, and, unless he was entitled to augur from gentlemen an universal disposition in its favor, he wished some of them would favor the Senate with their objections.

Mr. EATON said he wished for a discussion upon the merits of the bill, and moved to postpone it to Thursday, and make it the order of the day; which, after notice of an amendment which Mr. DICKERSON said he should move in regard to some of the excepted classes, was agreed to.

TUESDAY, March 14.

Mr. SANFORD presented the memorial of the Ocean Steamship Company, of the city of New York, praying a law may be passed authorizing the issuing of registers for their steam vessels to the memorialists, in their corporate name, and authorizing the President of the United States to issue commissions to the persons commanding the same, or in any other mode to invest them with the character of public vessels; and also allowing the usual drawback on all foreign coals and sea stores actually consumed and to be consumed on board the said steam packets, under certain restrictions and regulations; and also directing the Postmaster General to contract with them for the transportation of the public foreign mails; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1820," reported the same without amendment.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Pierre Denis de la Ronde; and the bill was twice read by unanimous consent.

Mr. HUNTER, from the Committee on Public Lands, to whom was referred the petition of Gabriel Winter, made a report, accompanied by a bill to authorize the legal representatives of Elisha Winter and William Winter to institute a bill in equity in the nature of a petition of right against

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the United States; and the bill was read, and passed to the second reading.

Mr. MORRIL, from the Committee of Claims, to whom the subjects were respectively referred, reported a bill for the relief of John Rodriguez; a bill for the relief of Solomon Prevost; and also a bill for the relief of Alexander Milne; and the bills were severally twice read by unanimous consent.

Mr. LOGAN presented the memorial of John Dobson and others, of Missouri, praying certain privileges in consideration of their services in defending the frontier of that Territory against the aggressions of the Indians; and the memorial was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ebenezer Stevens and others; and, on motion by Mr. WILSON, it was ordered to lie on the table.

The Senate resumed the consideration of the report of the same committee, to whom was referred the petition of Ephraim Hart; and, on motion by Mr. SANFORD, it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee on Finance, to whom was referred the petition of William C. Kausler; and the further consideration thereof was postponed until Monday next.

The bill to provide for sick and disabled seamen was read the second time.

The Senate then took up the resolutions submitted by Mr. KING, of New York, on the 10th instant, concerning navigation.

Mr. KING explained pretty much at large his views in offering the resolutions, and the reasons which he conceived should induce this Government to adopt the policy which they suggested; after which the resolutions were, on his motion, referred to the Committee on Foreign Relations.

On motion by Mr. KING, of New York, the papers and documents in support of the claim of George Waters to a pension were referred to the Committee on Pensions.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill to establish the district of Blakeley; and the bill was read, and passed to the second reading.

Mr. D. also gave notice, that, to-morrow, he should ask leave to bring in a bill to provide for the punishment of piracy and other crimes.

The Senate took up the rule submitted yesterday by Mr. KING, of New York, to prescribe what persons shall be admitted on the floor of the Senate; which, having been amended, and after undergoing some discussion, was postponed, on the motion of Mr. JOHNSON, of Kentucky, to Monday next.

Mr. JOHNSON, of Louisiana, gave notice, that, to-morrow, he should ask leave to bring in a bill to change the port of entry for the district of Teche, in the State of Louisiana.

The bill apportioning the Representatives in the Seventeenth Congress, to be elected in the Com-

monwealth of Massachusetts and the State of Maine, and for other purposes, was read the second time, and referred to the Committee on the Judiciary.

The bill granting to William Conner the right of pre-emption to six hundred and forty acres of land, and also the bill to establish the district of Pearl river, were severally read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the better organization of the Treasury Department; and the further consideration thereof was postponed until Thursday next.

The bill for the relief of Robert Swartwout was read a third time, and passed.

Mr. LOWRIE, from the Committee on Public Lands, to whom was referred the petition of Susan Berzat, made a report, accompanied by a bill for the relief of the legal representatives of Gabriel Berzat, deceased, and the report and bill were read and passed to the second reading.

The bill for the relief of Rosalie P. Deslonde was read a third time, and passed.

The bill for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased, was read a third time and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of certain sufferers by fire at Savannah, in Georgia, and the further consideration thereof was postponed until Friday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Thomas L. Ogden and others; and, on motion by Mr. WILSON, it was ordered to lie on the table.

The bill from the other House making appropriations for the support of the Navy for the year 1820, having been reported from the Naval Committee, by Mr. PLEASANTS, without amendment—

The Senate took up the said bill as in Committee of the Whole.

Mr. PLEASANTS took a brief view of the details of the bill, explaining the reasons for different items of appropriation; the amount of naval force intended to be employed in the present year; where and how to be employed; the necessity therefor, &c.; after which, no amendment being offered, the bill was reported, and ordered to a third reading, and was read a third time by general consent, passed, and returned to the other House.

NEW JUDICIAL CIRCUIT.

The Senate then took up the bill to amend the judicial system of the United States, being the bill to form a new judicial circuit of the States of Tennessee and Alabama, and for the appointment of a circuit judge therefor.

On this bill a debate of considerable length took place—not from any diversity of opinion on the propriety of affording some judicial assistance in relieving the dockets of Tennessee and Kentucky, particularly the latter, from the vast accumulation of business in their courts, and of extending some relief to the judge of the eighth circuit, but on the mode of doing it; whether by creating a new circuit, with a circuit judge, or by extending circuit

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powers to district judges, &c., and generally on the organization of the federal judiciary in the Western and Southwestern States, &c. Messrs. WILLIAMS, of Tennessee, RUGGLES, BURRILL, LANMAN, BROWN, KING, of Alabama, SMITH, EATON, LOGAN, LEAKE, JOHNSON, of Louisiana, and WALKER, of Alabama, took part in the discussion.

In the course of the debate Mr. BROWN moved to recommit the bill to the Judiciary Committee, for the purpose of making some modifications which had been suggested in the course of the discussion; but, a motion was made by Mr. WILLIAMS, of Tennessee, to postpone the bill until Thursday next; which was agreed to.

WEDNESDAY, March 15.

Mr. TAYLOR presented the petition of Mark Barnett and William Perry, heirs of Colonel William Perry, deceased, praying the privilege of locating a certain tract of land belonging to their ancestor; and the petition was read, and referred to the Committee on Public Lands.

Mr. WILLIAMS, of Mississippi, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of altering the time of holding the district court within the State of Mississippi.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill apportioning the representatives in the Seventeenth Congress to be elected in the Commonwealth of Massachusetts and the State of Maine, and for other purposes, reported the same without amendment.

Mr. DICKERSON asked and obtained leave to bring in a bill respecting piracy, and other crimes; and the bill was read, and passed to the second reading.

Mr. WALKER, of Alabama, asked and obtained leave to bring in a bill for the relief of purchasers of the public lands; and the bill was read, and passed to the second reading.

The bill to establish the District of Blakeley; the bill to authorize the legal representatives of Elisha Winter and William Winter to institute a bill in equity in the nature of a petition of right, against the United States; and, also, the bill for the relief of the legal representatives of Gabriel Berzat, deceased; were severally read the second time.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act making appropriations for the military service of the United States for the year 1820," in which bill they request the concurrence of the Senate.

The bill was read and passed to the second reading.

The Senate resumed the engrossed bill for the relief of the officers and volunteers engaged in a late campaign against the Seminole Indians; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; and the further consideration thereof was postponed until Monday next.

The bill for the relief of Vincent Grant, (to indemnify him for the loss of a house destroyed by the enemy on the Niagara frontier, in the late war, on account, as he alleged, of its occupation as a depot of Naval stores, &c., for the United States' service) was taken up.

Some time was spent on this bill, in which Mr. WILSON stated the grounds on which the Committee of Claims made up their report; and in the investigation of the facts set forth, Mr. BURRILL and Mr. SMITH entered; the latter gentleman particularly spoke at some length in examining this case, to show that the evidence of the facts stated was unsatisfactory; and adverted to several cases of imposition on the Government, to show the necessity of great caution in deciding favorably on such claims.

On the question of ordering the bill to be engrossed for a third reading, it was decided in the negative, without a division, and the bill of course rejected.

LOUISIANA LAND CLAIMS.

The Senate took up the bill supplementary to the several acts for the adjustment of land claims (under French and Spanish grants) in the State of Louisiana and Territories of Missouri and Arkansas.

A substitute, heretofore reported by the Committee on Public Lands, to the bill originally introduced by Mr. JOHNSON, of Louisiana, was the matter first under consideration.

Some conversation took place between Messrs. SMITH, BROWN, WILLIAMS, of Mississippi, and JOHNSON, of Louisiana, on a wish expressed by the first named gentleman to postpone the bill for a few days for the purpose of allowing time to act on a memorial from certain persons claiming land in West Florida under British grants, to adjust which it might be proper to incorporate provisions in the present bill. Being satisfied, however, by the explanations of the friends of the bill, that there was no necessary connexion between the present bill and the claims referred to by Mr. S. he waived his motion to postpone the bill.

Mr. KING, of New York, renewed the motion to defer the consideration of the bill. He wished a day or two to examine the provisions of the bill, which were numerous, and which proposed to adjust claims of immense magnitude: he adverted briefly to the nature of these claims, to show that it might appear, on investigation, to be expedient to devise some different mode of obtaining and authenticating evidence in the cases, and of providing some tribunal for the final settlement of the claims, different from Congress, which he conceived not the best constituted tribunal for the adjudication of questions such as those involved in the definitive settlement of these land titles.

Mr. BROWN replied, and went somewhat into the merits of the bill, and the nature of the claims to be adjusted, to obviate the objections of Mr. K.

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He did not, however, object to a short postponement of the bill, if desired for further examination; and the bill was postponed to Friday.

JOHN H. PIATT.

The Senate then resumed the consideration of the bill for the relief of John H. Piatt, (providing for the equitable adjustment of his claims against the Government for supplying the Northwestern army in the late war.)

The amount which the bill would admit to the credit of the petitioner is very considerable, and the Senate were occupied until after 4 o'clock in a very close and laborious investigation of the facts of the case, and the multifarious circumstances and voluminous documents connected with it. Messrs. WILSON, JOHNSON, of Kentucky, LOWRIE, LOGAN, RUGGLES, TRIMBLE, LANMAN, LLOYD, OTIS, BURRILL, VAN DYKE, and MORRIS, entered largely into the examination of the subject, but the Senate had not decided on it when (a motion, by Mr. LOWRIE, to recommit the bill to the Committee of Claims for a report on the case in detail being under consideration) the Senate adjourned.

THURSDAY, March 16.

Mr. STOKES submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of having buoys placed at the several inlets, and on some of the shoals, on the coast of North Carolina.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of the heirs of Edward McCarthy, and the same was twice read, by unanimous consent.

Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to change the port of entry for the district of Teche, in the State of Louisiana, and the same was read and passed to the second reading.

Mr. OTIS presented the petition of Henry G. Rice, of Boston, praying the benefit of drawback on nine bales of colored cottons, imported from Calcutta and exported to Leghorn; and the petition was read and referred to the Committee on Finance.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of John Delafield; and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

Mr. RUGGLES gave notice that, to-morrow, he should ask leave to bring in a bill to grant to the State of Ohio the right of pre-emption to certain sections of land.

The Senate resumed the consideration of the motion of the 15th instant, for instructing the Committee on the Judiciary to inquire into the expediency of altering the time of holding the district court within the State of Mississippi; and agreed thereto.

The bill entitled "An act making appropriations for the military service of the United States for the

year 1820," was read a second time, and referred to the Committee on Finance.

The bill respecting piracy and other crimes was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of purchasers of the public lands was read the second time, and referred to the Committee on the Public Lands.

The Senate resumed the consideration of the bill for the relief of John H. Piatt—the motion to recommit the case to the Committee of Claims, for a detailed report of the facts, offered yesterday by Mr. LOWRIE, being still under consideration; which motion was, on motion of Mr. WILLIAMS, of Tennessee, so modified as to refer the subject to the Committee on the Judiciary.

After a good deal of discussion, on the motion for reference, and, incidentally, on the merits of the case, between Messrs. WILLIAMS, of Tennessee, BURRILL, TRIMBLE, LEAKE, KING, of Alabama, WILSON, RUGGLES, MACON, JOHNSON, of Kentucky, and VAN DYKE, the bill was referred to the Committee on the Judiciary.

BANKRUPT BILL.

The Senate then, according to the order of the day, resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the nation.

Mr. SMITH, chairman of the Judiciary Committee, which prepared the bill, explained the reasons which induced the committee to report the bill: not that the proposition to enact such a law had received the decided approbation of the whole committee, or of himself in particular, but because it was a subject of great magnitude and importance to society, on the policy of which it was proper for the Senate to have the opportunity of deliberating in a systematic and matured shape. Mr. S. offered a few reasons which inclined him at present to vote against the bill; though he would not say that it might not receive such a form—he should himself assist in giving it such a one—as to obtain his support. However, he thought it incumbent on the friends of the system to come forward and establish the necessity and sustain the expediency of the measure, &c.

Mr. DICKERSON made the motion which he had intimated on Monday, to strike out one or two of the excepted classes; but subsequently waived his motion to give place to the motion made by Mr. EATON.

Mr. OTIS, of Massachusetts, observed, that he felt no other objection to state the general principles that would govern him in voting for a bankrupt act, but what arose from a reluctance to appear to be offering explanations of a system to those whose information upon most subjects was more ample, and upon this not less so than his own. It was a subject familiar to many, and, as he had thought, not entirely novel in the researches of any honorable member; but as it seemed to be wished that the friends of the bill should advance in its support, he would make a few general and desultory remarks, rather by way of invitation to debate, than as a professed examination of the subject at

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large, or an anticipation of objections. By a system of bankruptcy he meant a legal provision, whereby the creditors of a man, whose occupation was buying and selling, might, in certain events, arrest him in his career to ruin, take his effects from his hands, divide them among themselves, punish the fraudulent, restore a pittance to the honest, and the honest himself to the society to which he was lost. There was not, he said, either of the particulars in this definition, that any man could say was unworthy of legislative care, and they were all of a nature to merit the attention and efforts of the Senate to embrace them in a system, such as had been adopted in other commercial nations. The proposition was one in regard to which, generally, no Constitutional question could be raised. The power of making laws upon the subject of bankruptcy was distinctly enumerated; and it was the only express power given by the Constitution, (excepting that of fixing the standard of weights and measures,) the execution of which was not provided for by permanent laws. This was a curious fact, for the existence of which it would, he thought, be difficult to afford a reasonable and satisfactory explanation. His own opinion was, that Congress were in duty bound to give effect to the power. The powers vested in Congress by the Constitution were of two kinds: the first consisted of those which had reference to the permanent condition and ordinary wants of society, such, for example, as the authority to lay taxes, regulate commerce, establish courts of justice, and a variety of other cases; the other kind was intended to meet the occasional and varying exigencies of the country, such as raising armies, building navies, borrowing money, and other provisions, which are readily discerned upon a perusal of the specified powers. Who then can doubt for a moment that the Constitution always intended, that the laws made under it should be accommodated to the distinct wants of the great community, and that laws for the prevention and redress of mischief, springing perpetually from the common intercourse of society, should be always in force; while those only should be temporary which were adapted to the great mutations of national affairs.

The framers of the Constitution intended to apply effectual remedies to the real defects of the old Confederation, and not speculate upon imaginary possibilities. Each enumerated power is no other than a description of such a remedy for a correlative imperfection, and was never meant to be regarded as a dead letter. It follows, from these principles, that the clause vesting in Congress the faculty of making laws on the subject of bankruptcy, has respect to a condition in society existing at the time—to an evil ingrafted upon the stock of society itself, and forever shooting forth in exuberance. The misfortunes of trade are of all times and all places. The poor ye have always with you; and the misfortunes and the frauds grow up together. Congress is then a trustee for the nation, for the execution of a power that should never be dormant, because the objects of the trust have never ceased to prefer their claims to its benefits, and are always in need of them. The States

have divested themselves of the means of doing justice between creditors and debtors, in the most effectual manner, under a special confidence that Congress would act for them in this behalf. There is then, he said, no discretion left to Congress, except as to the mode and the time. They cannot consistently with justice refrain, in this almost solitary instance, from giving effect to one of the purposes for which the Constitution was framed, unless it can be made to appear that the time has not yet arrived, or is unfavorable. In respect, then, to the time, all the inducements which existed at the epoch of the Constitution for giving the power to Congress, had now acquired incalculable force in urging on its exercise. Since the expiration of the last act of bankruptcy, the nation has passed through vicissitudes of commerce, for which no parallel can be found in the history of the world. The trading class has not only increased, but has been exposed to all manner of temptations, and to disasters arising out of the tempestuous state, not merely of an ocean, but a world. The allurements to traffic were irresistible, nor ought the nation to complain of the enterprise of its citizens. Three hundred and fifty millions of revenue collected from impost since the commencement of the Government, attest the usefulness of those embarked in the pursuits of commerce, and their claims upon your justice and attention to their interest. It has been computed, that the number of insolvent persons in this Union is not less than seventy thousand. But, suppose them to be only forty thousand, and of that number three-fourths to be heads of families, consisting of five persons; this will give you a total of one hundred and sixty thousand persons directly involved in distress and wretchedness, to which Congress alone can afford relief. Suppose each of these debtors to have only six creditors, and you are presented with a view of at least four hundred thousand persons interested in, and generally solicitous for, the passing of this act.

Here then is a class of citizens comprehending creditor and debtor, which, after every allowance for erroneous estimates, is numerous and respectable, and eminently entitled to attention, by the unavoidable embarrassments to which their calling is exposed, entreating at your hands rights recognised in the Constitution, to which they were parties, and the concession of which, were it possible to presume them to be ignorant of their own circumstances, could affect injuriously none but themselves. Why should they not be gratified? Why should they alone, composing a population equal in number to that of several States, be excluded from the pale of the Constitution? The merchants who are creditors request from you this law, to facilitate the recovery of a portion of their just debts. The debtors implore you to release them from a thralldom which dooms them to misery and inaction, and makes them a burden to themselves and to society. These two interests being thus immediately united in the enactment of laws for these ends, what interest is opposed to them? Scruples were said to prevail among the planters and farmers concerning the operation of these laws upon the agricultural interest. But the

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system would be found, upon examination, to be highly favorable to this description of citizens. They were interested in it only in the capacity of creditors; for, as debtors, they were not to be included within the purview. Now, it was notorious to all who were conversant with the proceedings and results in cases of insolvency, in commercial towns, that the country creditor, who was generally absent at the moment of the explosion, in most instances lost his whole debt. Those who were upon the spot, when all the bankrupt's property was not absorbed by undue preferences and fraudulent arrangements, stood some little chance of rescuing something from detached parts of the wreck; but, when the planter or farmer came to town, he found nothing left. On the other hand, the guardian care of the bankrupt law extended to the concerns of the absent, equally as of those in the vicinity of the debtor. They had thus the advantages of all the vigilance and activity of those whose opportunities for observation and means of information pointed out the moment for stopping the failing trader in his course, and who could take no measure that would not redound to the common advantage of all parties concerned. Mr. O. then adverted to the usages of the principal commercial nations, and insisted that in all of them was a bankrupt system regarded as an indispensable appendage to the great interests of trade and commerce. But in none of them was the call for it so imperative and indispensable as in this country. In most nations one uniform code of laws, proceeding from one sovereignty, pervades the whole domain, and insolvent persons would be exposed to the same penalties, and entitled to the same advantages, whatever might be their nature, even if the statutes of bankruptcy were abrogated. In the United States, however, the merchants and traders—the classes who live by buying and selling, though forming one great interest, and connected together in every direction—are harassed and perplexed by twenty different systems of municipal laws, often repugnant to each other and themselves; always defective; seldom executed in good faith; prolific in endless frauds, perjuries, and evasions; and never productive of equal justice, or indeed of any sort of justice, to the creditor. Nothing could be more deplorable than such a conflict of laws among the same people—nothing comparable to their pernicious effects upon the public morals. He was aware of the prejudices and unfavorable impressions excited in the public mind by the operation of the former act of Congress. It was not to be denied that the spectacle afforded of so many persons pressing through the avenue that was just opened for their deliverance, had a natural effect to revolt the mind and inspire jealousy. Yet, a fair examination of the state of the debtors that were released, and of the debts that were sponged by the commissions issued under that act, would, he believed, demonstrate that no real injury had arisen to creditors, or to the nation, from their proceedings. The debtors were for the most part in circumstances of absolute and irretrievable ruin, who had been obliged by the want of an earlier system to drag out a miserable exist-

ence, eating up the last remnants of their effects. The debts had been principally abandoned by their creditors as desperate. Two-thirds, in all cases, must have agreed to their discharge. Yet, in every group of creditors, there was one or more (though always less than a third in number and value) who stood out, under the influence of some personal consideration or feeling, and who naturally became loud and severe in their complaints of the operation of the law. It was to the united voices of these minorities, irritated and disappointed at the liberation of their debtors, that the odium and disrepute of the former act are to be ascribed. He was very far, however, from denying that many fraudulent commissions had been issued, and that the benefits of the act had been extended to many unworthy persons. It was also admitted that the same evils, to a certain extent, would occur under the new act. Among the crowds of unfortunate and insolvent persons who would press forward to escape from their shackles upon the first opening of the door, no doubt some would succeed by the aid of fraud and perjury. But would these crimes be equal in amount or atrocity to those which are daily committed under color of your insolvent laws? If a bankrupt act provides the means for some frauds, it also prepares the means for the detection and punishment of others.

This evil would cure itself, after the great mass of persons who have been for a long time insolvent shall have undergone the renovation. It was nearly cured when the old act was repealed, and he was ready to apply to this unhappy class the humane maxim familiar in the criminal law—that it was better for ten guilty to escape than one innocent to suffer. He did not mean to anticipate objections, but he foresaw that the friends of the bill would be met by objections founded on the opinions of jurists of great eminence, and on reports of parliamentary committees, relative to the imperfections of the bankrupt laws of England, and the manifold abuses to which they give birth. But still the British Parliament adhered to the system. No attempt had been made to abolish it. The first talents of the country had been occupied in detecting the imperfections and suggesting amendments. Still nothing was yet matured which authorized an abandonment of the ancient code. It was therefore better than none—better than any for which the wisdom of the British nation had yet found a substitute. Let us then take this system for the present, and hereafter avail ourselves of future improvements, founded either on our own experience, or that of others. If we waited to be previously assured of the perfection or infallibility of a system, before we acted, the business of legislation would be brought to a dead halt. All our laws and systems were at first imperfect. The entire code of your revenue laws has been revised more than once; yet nobody thinks the collection of duties should be suspended and the laws repealed, because hereafter a more expedient tariff or mode of collection may be devised by ourselves or other nations.

With respect to the unfortunate persons themselves, though he disclaimed every thought of ap-

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pealing to the passions or pressing upon the consideration of honorable members topics not closely connected with the principles of justice and duty, which should alone influence their decision; yet he did not believe that a habit of thinking upon the wretched condition of these persons would disqualify the Senate for a wise and just deliberation upon their claims to the benefits of the Constitution.

Few men, he said, who had been born and educated in circumstances of ease and comfort, and pursued a long and uninterrupted career of prosperity; few upon whom each morning's sun shone bright, inviting them to some cheering pursuit of successful business or innocent pleasure, and whose pillow is softened by the repose which is the companion of a breast at ease, could realize the agonizing spectacle of a family accustomed to the same felicity, when its ruined head and protector first comes home and announces—that all is gone! There is from that moment a period to the happiness, the pursuit of which is classed among our inalienable rights, and the faculty of pursuing which alone gives value to existence. The condition of such a man, whose creditors are inexorable, compares to disadvantage with that of a slave; for he, indeed, is generally fed and clothed, and subsistence is provided for his family, if he has one, and when he lies down to rest, whether upon a pillow or plank, his aching eyes are not stretched open by a tormenting anxiety for his daily bread. But the bankrupt, who is a slave under a Constitution made expressly for his relief, can neither toil for others nor for himself. His miserable earnings are always exposed to be snatched from the hands of his children as they lift them to their mouths. He thus becomes lost to society, and the alternatives which alone remain to him are crime or despair. He is no longer a partaker of the blessings of your laws, but a victim to their rigors. If, through principle or fear, he resists temptations to fraud or violence, he must at least consume the property which he would be glad to exchange for liberty, and is compelled without remorse to continue the injury he has done his creditors. His conscience is relieved from obligations, and his heart from attachments, to a Government by which he regards himself as disfranchised; and though he will not become a traitor, he must be a malcontent. Thus, you will have scattered throughout every part of the nation great and constantly increasing numbers of men, often of good principles and capacities for usefulness, whose offences are frequently nothing but inevitable misfortunes, condemned to live as drones in society, repining at the cruel hardship of their condition, and with no prospect but of interminable embarrassment and exclusion from the advantages of the Constitution. No mischiefs could, in his opinion, emanate from any insolvent system to be compared with these; no injustice which men could do each other would bear to be named with that which Congress would inflict upon these persons by rejecting the provision intended for their relief. With these general remarks, he said, he would content himself for the present, and re-

serve the right of a more minute investigation of particular details as they should be presented.

Mr. EATON, of Tennessee, followed the remarks of Mr. OTIS, with a motion to postpone the bill indefinitely.

Mr. E. said, that in offering to the consideration of the Senate the present motion, he was actuated by a wish to ascertain what was the general sentiment, and how far it might be correct to proceed with the details of the bill. It occurred to him as being an unnecessary consumption of time to enter critically and minutely into the details, if secretly were entertained, by a majority of the Senate, a disposition to reject the bill. Moreover, the gentleman from Massachusetts, (Mr. OTIS,) as if with a view to ascertain what were the opinions of gentlemen upon this subject, had courted inquiry, and sought to elicit opposition. It was to the end, therefore, that there might be no useless waste of time, and to discover, before proceeding to prune, alter, and amend the several provisions of the bill, how far there might exist with the Senate a disposition to sustain it, that he had submitted the present proposition indefinitely to postpone it.

Mr. E. remarked, that he did not profess any thorough understanding of the subject, and would much rather hear the opinions of others who better understood it, than to advance his own. Of a bankrupt law he certainly had no favorable opinion, believing, as he did, that it was neither calculated to extend the relief which many believed it would give, nor to improve the morals of the people. Of its operation and effects, none, he presumed, could speak with any thing like certainty; it was, as yet, a mere theory, from which many supposed incalculable benefits would result, but from which also much evil might arise to the community. It was, he believed, to say the least of it, a hazardous attempt; and, whether it would eventuate in benefit or injury to society, none could with certainty determine. With him it was a circumstance of some weight, that, under a former Administration, a similar system had been attempted, and, having been pronounced upon by the intelligence of that period, was abandoned and destroyed. He would venture, therefore, briefly to suggest the objections entertained by him, more with a disposition to draw forth arguments that might be suggested in its favor, than from an expectation that those he should suggest would have an effect with the friends of the bill.

In England, whence we derived our opinions and our knowledge of a bankrupt system, its effects might be beneficial; but, whatever arguments might be thence adduced, he would venture to say they did not strictly apply, for the reason that, between this country and that, there was a material difference. However there might be in Congress a disposition to protect commerce, (and he was upon this subject not hostile, but friendly,) it could not be denied but that the great and permanent interest of the United States, if any one branch of national pursuit should be placed above another, was the agricultural. He did not pretend to determine that there was not so close an alliance and affinity that neither commerce nor agri-

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culture could prosper independently of the other; yet, if either interest were to be preferred, it should be the latter. Politicians had early differed upon this subject, and some of the wisest and best had declared it to be the true interest of this Government to pursue the latter, as calculated not only more effectually to secure the great, the substantial interest of the country, but as a means of avoiding those collisions and difficulties which so often had placed nations in hostile array against each other.

In Great Britain, where the bankrupt system had been practised upon the broadest scale, there were but two great interests—the commercial and manufacturing: there, each holding traffic and intercourse with the other, could not give birth to those inconveniences which would, under the same system, be produced in this country, where such different pursuits and interests prevailed. If you sanction the bill, what satisfactory reason can be given why its operations shall be confined alone to mercantile men? Do they so constitute the sinews of Government as that they should be created a privileged class—to cancel their debts, and be forever discharged, while other portions of your citizens shall be denied the same advantage? To say nothing of the facility with which frauds may be practised, and, indeed, were practised during the continuance of your former bankrupt system, it is contrary to the genius and spirit of our Government thus to extend to one class of citizens privileges which are denied to another, and not a less useful one. Who will deny that it is a privilege, and a most extraordinary one? It is saying to those who have been dealers in merchandise, and to those in connexion, their brokers and factors, pay six pence in the pound, and by consent of part of your creditors, who, through some secret understanding, may be made lenient, you shall stand forever acquitted of your debts, and, unembarrassed, begin your enterprises anew: while the farmer, as honestly involved, can claim the exercise of no such privilege, but must remain forever subject to the debt. Thus, then, it is presented: the merchant becomes indebted to a class of your citizens, and, by rights secured to him, may sponge away those debts, and thereby ruin others to whom the same right is not secured, but is, in fact, denied. In such a system there is nothing wearing the semblance of justice. It is objectionable, because partial in its operations—defective, because wanting in uniformity.

There was one objection, however, to which he desired to call the attention of gentlemen, which grew out of the Constitution, and which he considered highly important. It had been heretofore urged, as an inducement to passing the bill, that there was general distress through the country, and that innumerable persons, who, by misfortune, had been brought from affluence to poverty, would be relieved, and again established in life as useful and valuable citizens. Much as he was disposed to commiserate the situation of those who, with their families, had been suddenly reduced in life, and involved in all that wretchedness which a change in condition sometimes produces, yet was he at a loss to imagine how the bill under consideration could

bring the expected relief. All that we possess by the Constitution upon this subject, is, as stated in the general enumerated powers of Congress, to establish uniform laws as to bankruptcies. But does this power, thus extended, grant us authority so to frame a law as that it shall be retrospective in its operations, and reach to cases which existed previous to its passing? The circumstance, alone, of its not being altogether prospective in its character, but intended to have an effect upon cases that had already transpired and gone by, was enough to place him in opposition to the bill; because Congress, under the right secured to them to pass an uniform bankrupt law, possessed not the power to reach back, and take within their grasp acts that were consummated before the passing of the law.

In the tenth section of the first article of the Constitution, it is declared, among other restrictions imposed by the Convention, that the States shall pass no law impairing the validity of contracts. An obligation to pay money, whether arising from bond or otherwise, is a contract, and to pass a law discharging the debtor from payment, upon any pretext whatever, is, in effect to impair the contract. The decision of the Supreme Court upon a case growing out of the insolvent law of an adjoining State, was declaratory of this; and the judges, founding their opinions upon the section in the Constitution referred to, said that the act of the State was void; and that, although the debtor was discharged in his person, which was all that State legislation could do, he was yet responsible for the debt, and his property liable for the payment. If the States are incompetent to the enactment of a law which shall discharge the estate of the debtor from after liability, how is it that Congress can claim the right of doing so? Our powers are derivative, not original; and hence it is that those which are not delegated cannot be exercised. It cannot be pretended that because this power is reserved from the States, that therefore, negatively, and by intendment, it shall be construed into a grant to the General Government; for, to such an argument, it would be sufficient to reply, that, by the same Constitution, powers not delegated are reserved. As, therefore, the States are restrained, and as it is not contained in the grant of power made to the Federal Government, the conclusion is, as declared in the tenth article of the amendments, that it still remains with the people; and, until their consent be had, there exists nowhere an authority to impair the validity of contracts. All the authority, then, found upon this subject, for none other exists, is the right to pass an uniform system of bankruptcy; and in this, certainly, is not contained a power to legislate retrospectively, and to cancel debts made in good faith; or, indeed, to do more than merely to provide for cases that may hereafter happen. The bill before us, therefore, is objectionable, because, on Constitutional principles, it cannot go forth in its present garb—objectionable it must be to its friends, as not carrying with it the expected relief, the great advantage designed and hoped to be attained by its passing.

These reasons, Mr. E. said, if so they could be termed, he had thought proper to submit for the

consideration of those who knew what had been the effect and operation of the former bankrupt law. Other gentlemen, who resided in the commercial sections of the country, and felt much interest in, and solicitude for, this subject, had, doubtless, well considered it, and understood it fully; they would be able to canvas, and to refute, if untenable, the objections which he had briefly ventured to suggest.

Mr. Mellen, of Massachusetts said, as he professed to be one of those friendly to the bill, he was disposed to express his sentiments, in a general manner, upon the subject. It cannot be necessary, and it seems hardly proper, said Mr. M., in the present state of public information concerning a bankrupt system, to go minutely into a consideration of all its peculiarities and provisions. General views are all which, on this occasion, need to be taken, and such views will be sufficient to show the objects which the advocates of the bill are endeavoring to attain, and at once disclose its merits or demerits, the advantages or disadvantages, which it is calculated to produce.

There are some facts connected with this subject, which admit of no controversy. During the present session, petitions in abundance have been presented to Congress, praying them to interpose for the relief of the unfortunate, and pass a law of the character of this now under discussion. These petitions are from respectable persons of the community, and are entitled to deliberate consideration. Another fact will be readily admitted; which is, that, in the principal commercial countries of Europe, bankrupt laws have for a long series of years been in operation. This very circumstance furnishes, to say the least of it, a strong presumption in favor of their beneficial tendency; and when we consider the commercial character of the United States, and that spirit of laudable enterprise, for which our citizens are so much distinguished, it would seem that the interest of our country might be subserved in this manner as essentially, perhaps, as those of the nations to which I have alluded.

Mr. President, I am sensible that, with many, a bankrupt system is not considered in a favorable light; but I have no question that, among those classes of the community whose professional pursuits or connexions in business have not led them to an acquaintance with the principles and design of a bankrupt law, and a knowledge of those evils which it is intended to remove, much, and perhaps most of the prejudice which exists against such a law, and most of its unpopularity, proceed from the idea and belief that its only design is to relieve the bankrupt, and this, too, whether his insolvency and ruin have been produced by mere misfortune, or by imprudence, extravagance, and fraud; that its provisions are more calculated to encourage speculation and dishonesty, and afford relief to the fraudulent, than to protect the honest and industrious. Sir, if this were my creed, the bill should receive my prompt and steady opposition. But no conclusions are more erroneous; facts and principles, when examined, will furnish premises which will conduct us to very different conclusions. If some sections of the bill, or some of its details,

should be found exceptionable, they can easily be so amended as to meet the views of the Senate; at present, and on the motion for an indefinite postponement, we have only to direct our attention to the bill, as presenting a system for our acceptance or rejection. My honorable friend from Tennessee, has objected to the Constitutional power of Congress to enact the proposed law. To be sure the objection has assumed rather the form of a query, than an objection. He observes that, as the Constitution has denied to the several States the authority to pass laws impairing the obligations of contracts, and has no where in terms given this power to Congress, that, of course, they have no such power; that we ought therefore to stop *in limine*. In reply, it may be observed in the first place, that Congress have once exercised this very power; they have passed a bankrupt law; they have for several years witnessed its operation; our judicial courts have lent their aid in giving it effect, and though it was repealed, on the ground of its supposed inexpediency, yet its constitutionality is not recollected to have ever been questioned. Legislative and judicial construction, then, are both opposed to this objection. But sir, we need not rest satisfied with this answer. The Constitution has given the asserted power to Congress; the words are "Congress shall have power to pass uniform laws on the subject of bankruptcies." What are bankrupt laws, or laws on the subject of bankruptcies? The Constitution has not defined them; it has only referred to them, as to something well known and understood in legal language: Bankrupt and insolvent laws were well known to exist and it is understood that by the term "bankrupt law," is meant a law which, on certain conditions, operates as a complete release of a certain class of insolvents from the obligation of their contracts. The grant, then, of a power to Congress to make uniform laws on the subject of bankruptcies, is the grant of a power to impair the obligation of those contracts, so far as such law does impair it. A law defining and punishing an offence, for instance, murder; but defining in no other manner than by its name, presupposes an existing definition in prior laws or adjudged cases; and to these reference is always had to ascertain the essence of the crime.

Presuming, therefore, that Congress possesses the power, I will proceed to state some of the principal reasons which influence me in favor of exercising it in passing the bill now under consideration.

The first and principal advantage is, that the proposed system would increase, strengthen, and protect the rights of creditors; not only in respect to the fraudulent practices of their debtors, but to those cases where, in legal contemplation, no fraud may exist; and yet where the proceedings of the debtor may not be impartial; but, on the contrary, where they may produce unequal and inequitable consequences.

At present, and under existing laws, or rather notwithstanding these laws, numerous frauds may be, and constantly are, practised by debtors who are, or pretend to be, bankrupt: and it is often

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done with so much secrecy and management, that they can neither be detected nor prevented. A man without property of his own, by the aid of some friend, who becomes his surety, obtains a credit; supplies himself with goods, and commences business. By mismanagement, or gross misconduct, his affairs become deranged, and he finds he can never satisfy the claims of his creditors: he informs his friend and surety; pays him, or gives him an indemnity as far as in his power, and on the next day closes his doors and notifies his creditors of his failure. He proposes to surrender to them all in his possession, on condition of being discharged in full. His body is not within their reach, nor any property, except what he is pleased to expose: in this situation the creditors release him on receiving a pittance, while the friend and surety is, perhaps, completely indemnified.

But, sir, we frequently witness transactions, poisoned throughout with fraud—transactions in which *all* creditors are deceived and defrauded. In such cases the man *pretends* to be a bankrupt; and having converted a large portion of his property into money, or secured to himself its value by negotiable promissory notes, he stops payment and closes his doors like the other; goes through the form of offering to give up all his property, (though secretly retaining thousands,) on condition of receiving a discharge from his creditors: they, without the legal means of developing secrets, and fearful of losing all, unless a portion can be saved by the proposed compromise, at length accept the terms, and restore their debtor to liberty. In a few months, or perhaps weeks, he recommences business, and finds himself in easy circumstances, and with a handsome property at command.

Numerous such cases have occurred. The laws in the several States are so variant and imperfect, that in their operation they do not and cannot furnish equal justice to creditors; and in many cases they are wholly ineffectual. In some States property is not liable to attachment or mesne process; in some, if I am not misinformed, it cannot be taken on execution in payment of debts, and even in those States where attachment laws are in force, those creditors living in the vicinity of the debtor, or who are connected with him in business or otherwise, are generally more fortunate than others; and frequently seize and legally appropriate to their own use the principal part of the debtor's property; leaving the residue of their creditors unsatisfied, and the debtor without the power to satisfy their demands. In addition to these inconveniences, the fraudulent insolvent trader has it in his power to dispose of his estate in such a manner as to reserve to himself secretly an interest in it, or place it where creditors cannot find and secure it for the purposes of justice. I repeat it, sir, numerous such cases have occurred: the fraud has proved successful, and they who have committed it have lived and triumphed in the possession of its fruits.

Mr. President, these things ought not to be so, and I admit that existing laws will not for a mo-

ment sanction such dishonest and disgraceful proceedings, when proved in a court of justice; but the difficulty lies in this, that the transaction is unknown to third persons and so cannot be proved; at present, creditors can only depend on the statements of their debtors, or on those means which I have before stated, to enable them to ascertain facts relating to the disposal of the debtor's estate, or to take measures to subject it to legal liability to their demands. Such means as creditors now possess will always be ineffectual, when opposed by artifice and fraud. But, sir, the bill on your table proposes to furnish creditors with some powers which they do not now possess; some weapons which they cannot now command. Powers and weapons perfectly harmless when used against an honest man, reduced to bankruptcy and misfortune; but of vast importance when used against a rogue and a swindler. I refer, sir, to the power given to the commissioners to seize all the books and papers of the bankrupt, and in certain cases to seize and detain his person for the purpose of his examination before them as a witness. He is compellable to appear before them, and, under the severe penalties of perjury, to declare on oath every fact in respect to his property; how much he has, where it is to be found, how, when, and to whom, he has disposed of any of it, and on what terms and for what purposes; what securities he has taken for debts, and where they are, and who are his debtors. In all these cases he has a strong inducement to speak the truth, arising from the fact that his books and papers in the hands of the Commissioners, or at their command, will probably detect him in his perjury, should he attempt to conceal the truth for wicked purposes. Such a rigid examination, will serve, in most cases, to disclose facts and explain transactions of essential importance to the honest and abused creditor. It is true, sir, this will not always prove effectual, neither will any other human laws; still, all good laws have a secret influence on society, and more than we at first imagine. Though the provisions of this bill will not avail to detect and punish all fraud, yet they may in a multitude of cases, at any rate they will give to creditors a power additional to what they now possess; they can do no harm, but, in most instances will aid the cause of truth and justice, by the exposure and punishment of iniquity. Besides, sir, should this system be established, creditors would obtain another important advantage in those cases where the bankrupt has been guilty of no immorality or fraud. The principle of law is well understood, which sanctions a preference of one honest creditor to another, if a debtor should incline to give this preference. We are constantly witnessing this practice in cases of failure in business, where the heart is subject to no imputation.

A person finding himself unable to discharge all his debts, and yet being ready to appropriate the whole of his property to their payment, will discharge those debts in full which are due to particular creditors as his sureties, or those to whom he lies under special obligations. Such payments are good, and the transaction cannot legally be

disturbed. In this case, though the motive may not be censurable in the eye of the world, still the practice operates severely upon those other creditors whose claims have, in this arrangement, been wholly or in part disregarded. But, sir, pass the bill on your table, and this hardship and inequality will be prevented. Should a bankrupt debtor, in contemplation of his immediate failure, give this preference, and pay one or more of his creditors their debts, leaving others to their fate, a bankrupt law would interpose its principles, and correct this proceeding; the transaction would not be sanctioned; the payments could be reclaimed, and the property distributed among all the creditors, in proportion to their respective demands. Here we find creditors gaining decided advantages under the proposed system, and such as they cannot gain in any other manner effectually. And though under this system frauds would unquestionably be practised, the mischief would be less extensive and successful than it is at present. This principle, as to the distribution of the bankrupt's estate, is similar to that which prevails in the case of a deceased insolvent; and what principle more just can be applied in either case?

The second advantage to be derived from a bankrupt system, is to be enjoyed by the unfortunate bankrupt himself and his family. It is a fact to be lamented, though not denied, that there are at this moment in the United States thousands and tens of thousands who, in the course of their usual business arrangements, have been reduced from opulence to poverty; from ease and cheerfulness to privation and sorrow; from active industry to painful idleness. It will not be disputed that, in a large proportion of these instances, they have been reduced by misfortunes, unforeseen losses, and by those causes over which they had no control. This class is surely entitled not only to pity, but relief; they are in a state of depression and despondence; daily witnessing the sufferings of those most intimately connected with them in life. Another class is less deserving of sympathy, because their misfortunes have been occasioned by imprudence, extravagance, folly, and improper conduct. Still both classes are placed in situations where they can never enable themselves to discharge their debts, or be of any use to their creditors. Why, then, should their faculties be continued in a state of imprisonment? Is it not an act worthy of Congress, not only to lend further aids to honest or unsuspecting creditors, but extend it at the same time to the poor and heavy laden debtors? To those especially who have been thrown from employment in the scenes of commercial business, without any unpardonable fault, into obscurity and dependence. Is it not a measure worthy of our attention to raise them up and restore to them, to their wives, and to their children, some of the hopes and comforts of their better days? This remark may as well be applied to those who, in the common course of events, may be reduced to bankruptcy, as to those who are already bowed down under their losses, and the weight of debts which they can never discharge. The continuance of this pressure can answer no

other purpose than to disappoint hope, deaden the spirit of enterprise, and heap misfortunes on the head of the unfortunate.

In the third place, let me ask you, Mr. President, if it be not an advantage to the community to call into action the business talents—the industry and labor of the individuals composing the community. The strength of the whole consists in the strength of the parts. The multitudes to whom I have before alluded, who are now destitute of the capacity of supporting themselves, and those depending on them, might be rendered useful members of society, contributing to its wealth and power. This is true of all who are now bankrupts in property and worldly comforts, whether they have been reduced to this situation by misfortune or misconduct. There is another point of view in which the subject seems deserving of consideration. I mean a *moral* one. “Lead us not into temptation.” The sentiment contained in this short address is of importance, and should never be forgotten by rulers. They should always, as far as possible, avoid those measures and those legal provisions which have a direct tendency to place or leave a citizen in situations where temptations may more easily assail and overcome him. A man who has met with sudden misfortune, and is at once deprived of blessings to which he has long been accustomed, and who in his fall may perhaps have lost much of the confidence and esteem of others, is in danger of losing all, unless encouraged to rise and correct his conduct where it has been improper. When he has suffered severely by this fall, and by giving up all he had, let him be at liberty to recover from his errors or his faults. Let the law be such as to hold out to him, with the consent of his principal creditors, an inducement to respect himself, to respect the laws, establish a fairer reputation, and place it on a firmer basis. When a man is once deserted by the world, by his former friends, he is too apt to forget his own duties, and give up all effort to regain the paths of virtue.

These, sir, are my general views of the subject, and some of the most important reasons which induce me to give my support to the bill.

Mr. BURRILL, of Rhode Island, said that the principal objection to this act, in the minds of many gentlemen, was, that it was designed for the benefit of debtors, of debtors who had already failed, as well as of those who were hereafter to fail, and that, consequently, it would be an engine of fraud; that if he were convinced there was in the act any foundation for this apprehension, and if, indeed, it were an act for the advantage of debtors only, he would cordially unite with honorable gentlemen in their opposition to it, and should rejoice in its rejection. It was because he thought it an act for the security of creditors against fraudulent debtors, and an act to compel a fair and equal distribution of the bankrupt's estate, that it had received, and would continue to receive, his support. If these beneficial effects were not likely to result, or if the wise and salutary provisions of the bill should, in its progress, be so altered as to convert the act into a short and easy system for the release

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of debtors from their legal and moral obligations, he hoped the bill would fail. It was true, that the effect described by his honorable friend from Massachusetts, (Mr. ORIS,) as one of the beneficial effects of this bill, would undoubtedly be produced; that is, it would in its operation restore to comfort and usefulness many an honest and unfortunate bankrupt, who would otherwise be consigned to a life of inactivity and indigence. But this, however useful and benevolent, was an incidental and indirect consequence. The true object of the provisions and checks of the bill, the final end for which the system was devised, was to make an equal distribution of all the bankrupt's estate among all his creditors, and thus to compel him to do equal justice. Severe and multiplied as the provisions of the bill might seem, they were none of them unnecessary, nor would any of them injure an honest unfortunate bankrupt. They were calculated for the discovery and punishment of fraud, and, ingenious as they were, it must be admitted that knavery was often ingenious and cunning enough to evade them. There would, undoubtedly, be many cases of fraud under this or any other system; and it was the duty of the Senate to examine and amend the bill, that it might receive all the perfection it was capable of. He was ready to concur with honorable gentlemen in any amendments that would make the system more efficacious, even at the expense of making it more severe. If the consent of five-sixths of the creditors, instead of two-thirds, should be required, in order more completely to secure the creditors, he was ready to agree to it; but, in his opinion, some system had become indispensably necessary, in the circumstances of the country, for the protection of honest creditors against the knavery of dishonest debtors. If gentlemen are apprehensive of frauds under this law, he would ask them, if no frauds were perpetrated now, and without this law? In the large cities, nothing is more common than for a young man, without property, to commence business upon credit, to live in the style of a man of fashion and fortune, to push forward in trade with all the ardor inspired by youth and presumption, until he meets with a loss; he then suspends his payments, assigns his property for the benefit of his friends, his relatives, and his endorsers; the distant farmer, or planter, or manufacturer, receives nothing; the debtor is discharged by the State insolvent laws, and in a few days he resumes his career of folly, extravagance, and rashness. A wise bankrupt law would, in a degree, correct those evils. When a man should fail in his payments, the creditors would interpose, his effects would be seized, his accounts and books inspected, he himself closely interrogated and examined, his property equally divided among his creditors; goods and effects, delivered by him in unjust preferences of his friends over others, would be reclaimed and recovered; and, if it appeared that his bankruptcy had been caused by extravagance and dissipation, or that he had not conducted himself fairly and honestly towards his creditors, his certificate of discharge would be denied him, and he would still remain liable for his debts. As the law now stands, a man in failing

circumstances may prefer one creditor to another; he may select his friends, assign his property to trustees for the benefit of these friends, either real or pretended creditors, and refuse to his general creditors the smallest portion of his effects. Such conveyances as these, at least when made for the benefit of real creditors, have been adjudged good and valid, both in the Federal and State courts; and under these decisions the most enormous frauds are every day perpetrated with impunity. The debtors will not condescend, in some instances, even to explain their affairs to their creditors, or to satisfy them as to the causes or the extent of their insolvency. The debtors make the arrangement to satisfy themselves and their personal or family friends; and the creditors at large are not indulged even in the poor privilege of inquiring into the causes and reasons of these events.

In some cases there is a beggarly remnant of empty boxes for the general creditors, and they are even precluded from their dividend of this, unless they sign a discharge by a certain day prescribed by the debtor. Thus the creditors are defrauded, and the debtor, in many cases, lives in affluence and splendor. These are the present evils which a well digested system of bankruptcy would remove or greatly mitigate. That any system would eradicate fraud no one could pretend, but any uniform system almost that could be devised, would be better than the present state of the relations between debtor and creditor, various in the different States, and every where affording facilities for the vilest frauds. By adopting a uniform plan, in which Congress could avail themselves of the experience of other countries, and of our own, under the former bankrupt law, they would subject trading men to a code of regulations, advantageous not only to creditors, but to all honest debtors—formidable and severe only to the wicked and fraudulent. The Constitution has made it the duty of Congress to frame such a code; they ought to discharge this duty at this time; and such amendments may hereafter be adopted as experience shall prove to be necessary. In passing this law, Congress will not only execute the Constitution, and secure the equality of the rights of the creditors, but they will also fulfil the just expectations of the whole mercantile community.

Mr. EATON, for the purpose of testing the sense of the Senate on the principle of the bill, and to see whether it was worth while to go into the investigation of the details, moved that the bill be indefinitely postponed.

Mr. E. followed his motion by a brief statement of the reasons which placed him in opposition to the bill; considering it as tending to do more harm to the community than good; as creating a privileged class in society; as opening a door to much fraud; and, so far as it would operate retrospectively, as a doubtful power, &c.

Mr. Mellen followed in reply to Mr. EATON, and in defence of the bill, as to its expediency, its entire constitutionality, its beneficial effects on society, and great present necessity.

Mr. TRIMBLE intimated that, though he should vote against the present motion, he should not con-

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ceive himself committed on the bill, as it was very possible he might finally be against its passage.

Mr. BURRILL rose in defence of the bill; and went into a general examination of the system, to establish its advantages, the many evils it would prevent and cure, the good it would do in society, and the distress it would alleviate, &c.

The question was then taken on the motion to postpone the bill indefinitely, and decided, by yeas and nays, in the negative, as follows:

For postponement.—Messrs. Eaton, Johnson of Kentucky, King of Alabama, Logan, Macon, Morrill, Noble, Pleasants, Ruggles, Smith, Taylor, Walker of Alabama, Williams of Tennessee, and Wilson—14.

Against postponement.—Messrs. Brown, Burrill, Dana, Dickerson, Edwards, Elliot, Gaillard, Hunter, Johnson of Louisiana, King of New York, Lanman, Leske, Lloyd, Lowrie, Mellen, Otis, Parrott, Pinkney, Sanford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, and Williams of Mississippi—25.

FRIDAY, March 17.

On motion by Mr. ROBERTS, the Committee of Claims to whom was recommended the petition of James Wood, administrator of Edward Wood, were discharged from the further consideration thereof, and the petitioner had leave to withdraw his petition and papers.

Mr. LOWRIE presented the petition of Anthony Kennedy, of Philadelphia, praying that a law may be passed, authorizing the return of a certain sum of money which remained in the hands of the collector, upon the redemption of a tract of land which had been sold for the direct tax; and the petition was read, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 16th instant, "for instructing the Committee on Commerce and Manufactures to inquire into the expediency of having buoys placed at the several inlets, and on some of the shoals on the coast of North Carolina;" and agreed thereto.

The bill to change the port of entry for the district of Teche, in the State of Louisiana, was read the second time, and referred to the Committee on Commerce and Manufactures.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress a report from the Secretary of the Treasury, accompanied with statements of the annual expenditures made in the construction of the road leading from Cumberland, in the State of Maryland, to the State of Ohio, from the year 1806 to the year 1820.

JAMES MONROE.

MARCH 17, 1820.

The Message, together with the accompanying documents, were read.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

It being stipulated by the fourth article of the articles of agreement and cession, entered into on the 24th

of April, 1802, with the State of Georgia, that the United States should, at their own expense extinguish, for the use of that State, as soon as it might be done on reasonable terms, the Indian title to all land within its limits, and the Legislature of Georgia being desirous of making a further acquisition of said lands at this time, presuming that it may be done on reasonable terms; and it being also represented that property of considerable value, which had been taken by the Creek and Cherokee Indians from citizens of Georgia, the restoration of which had been provided for by different treaties, but which has never been made, it is proposed to hold a treaty with those nations, and more particularly with the Creeks, in the course of this Summer, for the attainment of these objects. I submit the subject to the consideration of Congress, that a sum adequate to the expense attending such treaty may be appropriated, should Congress deem it expedient.

JAMES MONROE.

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The Message was read.

Mr. PINKNEY presented the memorial of William Patterson and Sons, and others, merchants and underwriters of Baltimore, in the State of Maryland, who suffered from the depredations of French cruisers, praying that provision may be made for the payment of all such claims, in consideration of their having been relinquished by the convention of September 30th, 1800, for certain great political advantages in favor of the United States; and the memorial was read.

Mr. OTIS submitted the following motion for consideration:

Resolved, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses on Monday, the tenth day of April next.

Mr. RUGGLES asked and obtained leave to bring in a bill, granting to the State of Ohio the right of pre-emption to certain sections of land; and the bill was read, and passed to the second reading.

Mr. EATON presented the petition of John Potter, of North Carolina, praying the renewal of a certain land warrant; and the petition was read, and referred to the Committee on Public Lands.

BANKRUPT BILL.

The Senate resumed, as in Committee of the Whole, (Mr. KING, of Alabama, in the Chair,) the consideration of this bill, and proceeded with the details thereof, and having made one or two minor amendments,

Mr. EATON moved to strike out of the 5th section the clause which provides, that when the commissioners "shall think that there is reason to apprehend that a bankrupt intends to abscond or conceal himself or herself, in case it be necessary, in order to take the body of the said bankrupt, they shall have power to cause the doors of the dwelling-house of such bankrupt to be broken, or the doors of any other house in which he or she shall be found."

The amendment was supported by Mr. EATON, and Mr. LOGAN, on the ground, principally, of its repugnance to the Constitution, which declares that no person shall be subject to unreasonable

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searches, &c., unsupported by oath or affirmation.

The motion was opposed by Messrs. BURRILL, OTIS, MELLEEN, and LANMAN, for the reasons, chiefly, that the power given in the clause was vital to the system, and was essentially necessary to its execution; that the power forcibly to enter houses and seize persons was permitted by law for many offences greatly inferior to the crime provided for in this clause; that in this case it was to be under a warrant; that honest bankrupts would never fly from their creditors; and that it would be the dishonest and fraudulent only who would seek to conceal themselves, &c.

Mr. VAN DYKE suggested to the mover the propriety of dividing the question on the two branches of the clause, so as to be taken separately on the authority of breaking the bankrupt's own house, and the house of another person—to which suggestion Mr. EATON acceded.

Mr. HUNTER was glad the gentleman from Tennessee, had called the attention of the Senate to this clause of the bill, as it was a feature that would certainly be, in this country, inconsistent with the rights of the citizen; it would undoubtedly be a violation of the 4th article of the Constitution to leave such a power at the entire discretion of a commissioner; but the defect of the clause, Mr. H. said, was merely in a verbal omission; and, should certain words be inserted, the provision would be made to comport strictly with every part of the 4th article of the Constitution. He moved, therefore, to obviate the objections to the clause, to insert therein the words of the Constitution which had been referred to.

Mr. OTIS had no objection to the amendment, although he did not conceive it necessary. The bill permitted a person to be declared a bankrupt only under oath, &c., but he might reply, also that in referring to the Constitution it ought to be taken altogether; and in giving to Congress the power to enact a bankrupt law, it was to be presumed that the framers of the Constitution intended to convey the power of making it efficient. It was reasonable to suppose, also, that when the provision was inserted in the Constitution, its framers had in view not a bankrupt system of France or of Germany, but the system of England, upon which system this bill was framed, &c.

The question was then taken on amending the clause as moved by Mr. HUNTER, and agreed to, *nem. con.*, by inserting after the word — the following words of the Constitution: "on probable cause, supported by oath or affirmation, by warrant," to cause the doors, &c.

Mr. VAN DYKE observed, that, however proper it might be to enter forcibly the house of the bankrupt himself; yet it was not, he conceived, proper for the house of a third person to be subject to such violence, without notice, at least. He therefore moved to insert in the clause the words "after notice and demand, and refusal of entrance by the owner, or occupier;" which motion was agreed to without objection.

On motion of Mr. LANMAN, the word "adjudge"

was substituted for the word "think," in the same clause of the bill, quoted above.

Mr. WILSON moved to strike out the twenty-fifth section of the bill which is in the following words:

"That the said commissioners shall have power to examine, upon oath or affirmation, the wife of any person lawfully declared a bankrupt, for discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person; and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirm, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases."

Mr. W. in making this motion observed, in substance, that it would be wrong, in his opinion, to adopt any legislative provision which should have the effect to light up the torch of discord in the domestic relations of life; that the unfortunate wife would feel enough under these circumstances of her family, without being subject to the inquisition proposed in the section. The husband, too, would have enough to torture his mind without the reflection that his wife was to be dragged forward and possibly imprisoned for two years, on a charge of collusion, &c. Mr. W. conceived it morally wrong that the wife should, in any case, be required to testify against her husband, or children against their parent.

Mr. PINKNEY said, the section violated all the best charities of life, without being of any use in the system. If a wife was sworn, could they expect the truth? No—they might expect perjury to stain her lips. It was one of the most sacred maxims of law that a wife should not give evidence against her husband. What would be criminal in another, in her is innocence. Mr. P. referred to a remarkable instance of the truth of this principle—the case of Lavalette. When his wife enabled him to escape from prison, disguised in her clothes, and she remained in prison to answer the deed, she was not only acquitted by the universal opinion of the world, but also by the law of France; it was honorable to the law of France that it was so. He hoped the section would be expunged.

This motion was agreed to without objection.

On motion of Mr. DICKERSON, the third section was modified in relation to the compensation of the commissioners and their clerk, and their compensation fixed at five dollars a day to each, while acting, to be paid out of the bankrupt's estate.

Mr. LLOYD moved to strike out the following section, being the twenty-eighth of the said bill:

"That if any person shall become bankrupt, and at such time, by consent of the owner, have in his or her possession and disposition any goods, whereof he or she shall be reputed owner, and take upon him or herself the sale, alteration, or disposition thereof, as owner, the commissioners shall have power to assign the same for the benefit of the creditors, as fully as any other part of the estate of the bankrupt."

A good deal of discussion took place on this motion, between Messrs. LLOYD, BURRILL, MASON, OTIS, WILSON, EATON, and LANMAN, respecting the construction which it would admit,

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that which it had received under the old law, its general operation, &c. The section was finally modified on motion of Mr. LANMAN, to read, "by the collusive consent of the owner."

Mr. DICKERSON then moved to strike from the forty-ninth section the following clause:

"And if such account (against the commissioner for any thing done under this act) be brought in any State court, the same may, at any time before issue joined, be removed into the circuit court of the United States, in the same manner and under the same regulations, and with the same effects, to all intents and purposes, as suits brought in a State court against an alien, or against a citizen of a State other than that where the suit is brought, may now by law be removed."

After some conversation on the subject, between Messrs. DICKERSON, and PINKNEY, in which the latter gentleman opposed the motion—it was withdrawn by the mover.

Mr. LOWRIE renewed the motion to strike out this clause; whereupon, a debate of considerable duration ensued, in which the motion was advocated by Messrs. LOWRIE, VAN DYKE, and SMITH, and was opposed by Messrs. OTIS, LANMAN, and MELLEN; and was finally agreed to by a division—ayes 17, noes 9.

Mr. DICKERSON next moved to add the following provision to the bill as a separate section:

And be it further enacted, That this act shall continue and be in force for the space of five years from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

Mr. D. offered a few remarks in support of this proposition to limit the duration of the present act—and the motion was agreed to *nem. con.*

Mr. PINKNEY intimated that he should take an opportunity to offer an amendment to that provision which requires the consent of two-thirds of the creditors in number and amount, to the discharge of a bankrupt; after which,

The bill was postponed to Monday.

MONDAY, March 20.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate of the 13th instant, containing a statement of the quantity of land which has been sold, the quantity which remains unsold, and the amount of sales in each land district in the States of Ohio, Indiana, and Illinois, respectively; and the report was read.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Thomas Hunter; and the bill was read, and passed to the second reading.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the memorial and documents of James Brown, of Tennessee, made a report, accompanied by a resolution that the prayer of the memorialist be not granted, and that he have leave to withdraw his memorial. The report and resolution were read.

Mr. THOMAS asked and obtained leave to bring in a bill, granting the right of pre-emption to ac-

tual settlers on the public lands; and the bill was read, and passed to the second reading.

On motion by Mr. JOHNSON, of Kentucky, the Committee on Commerce and Manufactures were instructed to inquire into the expediency of making Louisville, in the State of Kentucky, on the Ohio river, a port of entry.

On motion by Mr. ELLIOT, the Message from the President of the United States, of the 17th instant, on the subject of a proposed treaty to be held with certain Indian tribes, for extinguishing the Indian title to all lands within the limits of the State of Georgia, was referred to the Committee on Indian Affairs.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill, declaring the consent of Congress to certain acts of the Legislature of the State of North Carolina; and the bill was read, and passed to the second reading.

Mr. HUNTER presented the memorial of Thomas Law, and others, praying that the act of Congress authorizing the sale of reservation No. 10, in the City of Washington, may be so amended as to vary the original plan, and to appropriate and sell a portion of the street of said city; and the memorial was read, and referred to the Committee on the District of Columbia.

Mr. ROBERTS presented the petition of Benjamin Wells, John Wells, and John Webster, who were collectors of the internal revenue of the United States in the State of Pennsylvania, under the act of Congress of 1791, praying relief in the settlement of their accounts; and the petition was read, and referred to the Committee on Finance.

Mr. BROWN presented the petition of E. De La Francia, praying compensation for a quantity of arms, ammunition, &c., sold by him to Reuben Kemper, the agent of the Convention of the State of Florida, now a part of Louisiana; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. BROWN, BURRILL, and MACON, were appointed the committee.

Mr. DICKERSON presented the memorial of Richard Smyth, late collector of the internal taxes for the Territory of Michigan, praying relief in the settlement of his accounts, in consequence of his having been robbed of a considerable sum of money, as stated in the memorial; which was read, and referred to the Committee of Claims.

Mr. SANFORD presented the petition of Matthew McNair, praying indemnification for the loss of a flat-bottomed boat, pressed into the service of the United States by Robert Swartwout, Quartermaster General; and the petition was read, and referred to the Committee of Claims.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 16th of February, 1820, requesting me to cause to be laid before it "abstracts of the bonds or other securities given under the laws of the United States, by the collectors of the customs, receivers of public moneys for lands, and registers of public lands; paymasters in

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the army, and pursers in the navy who are now in office, or who have heretofore been in office, and whose accounts remain unsettled; together with a statement of such other facts as may tend to show the expediency or in expediency of so far altering the laws respecting such officers, that they may hereafter be appointed for limited periods, subject to removal as heretofore," I transmit to the Senate a report from the Secretary of the Treasury, which, with the documents accompanying it, will afford all the information required.

JAMES MONROE.

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The Message, together with the accompanying report and documents, were read.

The Senate resumed the consideration of the report of the Committee on Finance, on the petition of William C. Kausler; and the further consideration thereof was postponed until Wednesday next.

The resolution for the adjournment of Congress was read the second time; and the further consideration thereof postponed until Thursday next.

Mr. JOHNSON, of Louisiana, presented the memorial of the General Assembly of Louisiana, praying the grant of certain lands therein described, for certain public services; and the memorial was read, and referred to the Committee on Public Lands.

Mr. JOHNSON also presented another memorial of the same Legislature, respecting the land titles in said State, and praying the appointment of a board of commissioners to adjudicate the same; and the memorial was read, and laid on the table.

The bill granting to the State of Ohio the right of pre-emption to certain sections of land, was read the second time; and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making further appropriations for continuing the work upon the centre building of the Capitol, and for other purposes;" a bill, entitled "An act making appropriations for the support of Government, for the year 1820;" and also a bill, entitled "An act to authorize the Secretary of State to cause the laws of the Michigan Territory to be printed and distributed, and for other purposes;" in which bills they request the concurrence of the Senate.

The said three bills were read, and severally passed to the second reading.

Mr. BURRILL submitted the following motion for consideration:

Resolved, That the President of the United States be requested to lay before the Senate copies of the correspondence between the Ministers or other agents of the United States, and the Ministers or Government of Sweden, relative to seizures, sequestrations, or confiscations of the ships or other property of citizens of the United States, under the authority of Sweden or of France, while the French were in possession of Pomerania or other territories of Sweden; or of so much of said correspondence as may, in the opinion of the President, be communicated without injury to the public interest.

The bill entitled "An act making appropriations for the support of Government for the year 1820,"

was read the second time by unanimous consent, and referred to the Committee on Finance.

Mr. KING, of New York, moved that the report of the Committee of Claims unfavorable to the petition of Ebenezer Stevens and others, (which prays the adjustment of a Revolutionary contract for supplying the army, and the payment of a certain sum under that contract, &c.) be recommitted to the Committee of Claims, with instructions to report a bill to allow the petitioners their just proportion of the damages recovered of them by the sub-contractors, with interest thereon from the date of payment.

In support of his motion, Mr. KING went into the history of the claim and its merits; into the examination of which, and explanations of the views taken of it by the Committee of Claims, Messrs. ROBERTS and WILSON also entered; after which the motion was agreed to.

LOSSES IN THE SEMINOLE WAR.

The engrossed bill to make compensation for horses and other property lost, captured, or destroyed, in the Seminole war, was read a third time.

Mr. PLEASANTS moved that the bill be recommitted to a select committee, with instructions so to amend the same that the proper accounting officers be instructed to deduct from the value of each horse the amount received, or which each proprietor is authorized to receive, for the use and risk of the same.

This motion brought on a short debate on the merits of the bill, between Mr. PLEASANTS, in opposition to it in its present shape, and Mr. EATON and Mr. WILLIAMS, of Tennessee, in support of the bill—the first named gentleman contending that it was not proper that the volunteers should receive pay for the risk and use of the horses, amounting in many instances to the entire value of the horse, and then to be paid in addition the full price in case of the loss of the horse; that it would be much better for the Government in the first instance to buy the horses, and, after performing the service, sell such as were left, &c.; and that if this bill must pass, the amount paid the men for the use and risk of the horses ought, in justice, to be deducted from the valuation, &c. It was not just either that the price of the horse should be estimated at his value when he entered the service, but according to his worth after he had performed the service for which the per diem allowance of forty cents was intended to pay, &c.

Mr. EATON thought it incorrect as well as unusual to bring forward such a motion on the third reading of the bill after it had been fully discussed, and its principles understood and sanctioned by a majority of the Senate. The documents lately printed by the other House disclosed but one fact that bore on the subject—that in relation to the pay for clothing; that this fact was now provided for in the bill, and that it might be very safely left to the accounting officers of the Treasury. From a full and impartial examination of the subject Mr. E. believed the provisions of the bill were most equitable, and that justice would not be done

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to a large and patriotic class of citizens unless it were passed. He took a view of the act of 1817, authorizing this force, to show that the claims grew out of a fair contract with the Government, and that the faith of the Government would be violated unless they were paid; that the per diem allowance was merely for the risk of casualties and wear and tear of the horses—not to indemnify their loss when that loss was produced by the failure of the Government to provide subsistence for them, &c.

Mr. WILLIAMS, of Tennessee, observed that the first law passed to make compensation for horses killed in battle was in 1795—the horses were valued at the time they went into the service. The law of 1816 was in conformity to the law of 1795 and the practice under it; and this bill accorded with the laws and with the usage of the country down to the present time; and why, he wished to know, was an invidious distinction now to be made between the claims of Tennessee and those heretofore allowed in all other parts of the Union? Such a distinction, Mr. W. said, was unjust and impolitic. And what, he asked, would be the feelings of the people of Tennessee, under a sense of so invidious and unjust a distinction? The former laws granting similar indemnity were received with universal approbation by the people, and as there was no good reason for withholding the same measure of justice in this case as in others, he hoped the bill would be permitted to pass.

Mr. PLEASANTS assured the gentleman that he was as free from prejudice in the present case as any man in the Senate. So far from wishing to make an invidious distinction against the people of Tennessee, he said they had proved in the late war with England, as well as in the wars with the Indians, that their valor entitled them to the highest niche in the temple of American fame. He proceeded to say that he was not present when the bill was discussed on the second reading, and had no wish to throw unnecessary obstacles in its way. But he did think that when these volunteers got paid the full value of the services of their horses they had been paid enough; and if they were now to receive the full price for those lost, the former allowance ought to be deducted, or that the value ought to be estimated when they came out of service, not when they went in, because the diminished value produced by the service had been paid for by the daily compensation, &c.

Mr. EATON replied, and Mr. PLEASANTS rejoined—each supporting the opinions they had advanced.

The question being taken on Mr. PLEASANTS'S motion, it was negative without a division; and

The bill was then passed and sent to the House of Representatives for concurrence.

BANKRUPT BILL.

The Senate resumed this bill, and proceeded in the consideration of its details, to which two or three amendments were offered and discussed, by Messrs. PLEASANTS, LOWRIE, MELLE, LANMAN, and VAN DYKE.

Mr. OTIS rose to offer an amendment, not so much from his own conviction of its necessity, as from the expressed wish of a gentleman from Maryland, (Mr. PINKNEY,) who had on Friday intimated an intention of offering it himself to-day, but was now absent. It had often, perhaps almost invariably, been the case, as was stated last week by Mr. P., that banks, either from the indispensable nature of their rules, or some other cause, had refused to sign the certificate to discharge a bankrupt; and as the bill required the consent of two-thirds of the creditors, in amount as well as in number, and as banks were generally very large creditors, this provision of the bill, if unmodified, might operate very hardly on those who should become the subject of it. Mr. O. therefore moved a proviso to the end of the 37th section, requiring, in substance, that when any body corporate or politic shall be a creditor of a bankrupt, when its consent alone is necessary to make up two-thirds for the discharge of the said bankrupt, that the commissioners shall have power to require said corporation to appear before them and show cause wherefore they refuse consent; and if they shall fail to show sufficient cause, in the fraud or mismanagement of the said bankrupt, that their refusal shall not hinder the discharge, &c.

The amendment was agreed to.

Mr. VAN DYKE observed, that he had no objection to two-thirds of the creditors, in number, being made necessary for the discharge of the debtor, but he doubted whether it was proper to require two-thirds in value also; he therefore moved to amend the 37th section, by striking out the words "in value," so as to entitle the bankrupt to his discharge on two-thirds in number of his creditors signing the certificate. If this amendment should prevail, Mr. VAN D. said he intended to enlarge the sum due to the assenting creditors, (now fifty dollars each, by the bill,) so as to combine fairly the principle of number and value.

Mr. BURRILL thought the bill made it easy enough already for a debtor to obtain a certificate of discharge, and he would rather make it more difficult than less so. By requiring the consent of two-thirds in amount, as well as in number, Mr. B. thought it would operate in a salutary manner on men in business, as they would know that unless they managed their affairs with fairness and propriety, it would be difficult to obtain a release in case of bankruptcy. A creditor, he thought, to the amount of \$10,000, ought to have a greater weight in the question of release than one of \$50; which opinion Mr. B. argued at some length to support. By requiring the consent of two-thirds in number only, it would enable a few friends, small creditors, to release a debtor in opposition to the will of those to whom he was chiefly indebted. The bill guarded against this. There would be frauds enough under the bill even as it was, Mr. B. said, and he would not increase the facility of committing them, but would prefer giving the bill additional checks against it, &c.

Mr. VAN DYKE remarked that, according to the view he took of this system, it was for the benefit of the debtor as well as the creditor; and he ar-

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gued to show that, when a man had failed in business and given up his all, there ought not to be too many difficulties thrown in the way of his restoration to society, to activity, and to usefulness, if it should appear that he had conducted himself with fairness; this effect, by the bill as it stood, might be prevented by a single obstinate or inexorable creditor, and operate a great hardship on the debtor. Should his views be deemed correct, the minimum required might be increased from \$50 to \$100, or even 200.

Mr. BURRILL rejoined, that another reason opposed to this amendment was, that it would create an inducement in a debtor, foreseeing that he should fail, to contract many small debts among his friends—and they might be bona fide debts too—and enable them to out-poll his large creditors. This certainly ought not to be encouraged. Mr. B. thought the bill, as reported, was framed with a just regard to the rights of both parties, and to guard both parties against fraud and injustice. He was afraid, moreover, that the amendment would endanger the bill itself. This, he contended, was strictly a bill for the benefit of creditors, although honest debtors would be incidentally benefited by its provisions.

Mr. VAN DYKE again spoke to show that there were other provisions of the bill which would prevent the bad effect which it was apprehended his amendment would produce.

Mr. OTIS observed that this bill, like all others of an important nature, embracing many provisions, would be objected to and supported upon principles precisely opposite to each other—one said it was for the benefit of debtors; another, that it was for the benefit of creditors, &c. It could not be expected, Mr. O. said, to make the system perfect in the outset; he had himself agreed to amendments which he doubted the propriety of; but he wished to make it acceptable to all; to put it into operation, and improve it as experience might point out; he would take advantage of the experience of other nations, who he was willing should be pioneers in the system. Mr. O. entered into a brief view of the section, to show that it was devised with an equitable regard to the rights and interests of debtors and creditors, and the just influence both of the number and value of debts.

Mr. MELLEN stated, that he was in favor of this bill, because he conceived it intended to insure an equality of rights, and add to the security of creditors; and he could not consent to open the door any wider, or permit any additional facilities for the release of debtors. He entered into an examination of the section to obviate the objections urged against it by Mr. VAN DYKE; and argued to prove that the effect of the amendment would be to afford a greater facility to the commission of fraud, under a system, by which it was perhaps impossible to prevent it entirely; but against which it was proper to guard as far as practicable, &c.

Mr. VAN DYKE observed that this was a bill with a double aspect, looking both to the interest of the debtor and the creditor—and he presumed the National Legislature would never consent to

subject a debtor to the scrutiny, the inquisition, the penalties, and all the circumstances required by the bill, without providing for his ultimate relief, by affording a reasonable security for his release from his creditors. There was, he believed, as little probability of fraud with this amendment as without it, and it was certainly equitable towards the debtor. If found to be inexpedient in its operation, it would be as easy to repeal it as to enact it hereafter, if found necessary, &c.

Mr. DICKERSON was opposed to the amendment. He would appeal as little as possible to the oath of the debtor, and offer as few motives as possible to the commission of fraud. He wished the creditors to have a fair and equitable voice in the release of the debtor, which he believed would not be the case if the amendment prevailed. In fact, if the bill were relaxed, as to the debtors, he should be obliged, he feared, to vote against its passage. He had witnessed the operation of the former law, and he was sure, from his knowledge of that act, that this amendment would produce more harm than good.

Mr. LANMAN was compelled also to differ from the mover of this amendment. The insolvent acts of the Eastern States had almost always given equality to the number and the value of debts in the discharge of the debtor: in New York, the old insolvent law, which had discharged more debtors perhaps than any other in the Union, required the consent of three-fourths in value and number, so that the apprehension that this section, requiring two-thirds only, would present too many obstacles to the release of debtors, was not well founded. Mr. L. said he was in favor of this bill, because it would have the effect to limit the practice of credit, and would tend to keep men within their own means: this he thought the true reason for a bankrupt law; and the consequence would be, that there would not be many large creditors—men would be afraid to become so. Mr. L. argued at some length to illustrate these opinions—observing, in the course of his remarks, that the reason why banks had declined to consent to the discharge of bankrupts, might be attributed to the circumstance, that in debts to banks there were other persons (the endorsers) also responsible with the bankrupt, and a release of the bankrupt might alter that responsibility and other rights, &c. The useful effect of this bill, Mr. L. repeated, would be to keep men within their real means and true capacity for business, and prevent them from running into debt, by deterring others from giving credit extensively or lightly. The system would become woven into the concerns of society; every person would square his business and his policy by the frame and policy of this great system, which seemed to have entered so prominently into the views of the framers of the Constitution, &c.

Mr. VAN DYKE was averse to pressing his amendment in opposition to the opinions of his friends, so generally expressed; and would, therefore, for the present, withdraw it; intimating that he would, when the subject next came up, propose an amendment of much importance in this system—which was, to extend its provisions to the

voluntary acceptance of other classes, not now comprehended in the bill.

The bill was then postponed until to-morrow.

TUESDAY, March 21.

Mr. LOWRIE, from the Committee on Public Lands, who were instructed by a resolution of the Senate to inquire into the expediency of making provision, by law, for the payment to the several deputy surveyors in the Missouri Territory full compensation for certain services, made a report, accompanied by a resolution, that the committee be discharged from the further consideration of the subject. The report and resolution were read.

Mr. WILLIAMS, of Mississippi, from the same committee, made an unfavorable report on the petition of George Mayfield, (who prays that a certain grant of land, made to himself and others by the Creek Indians, during the negotiation of the Treaty of Fort Jackson, in August, 1814, may be confirmed;) which was read.

Mr. W., from the same committee, to whom was referred the bill for the relief of purchasers of the public land, reported the same without amendment.

Mr. W. also presented the memorial of the Legislature of the State of Mississippi, on the subject of British claims to lands in Hancock and Jackson counties, in said State; and the memorial was read, and referred to the committee to whom was referred, on the 8th ultimo, the memorial of E. H. Bay and others, to consider and report thereon.

On motion by Mr. WILLIAMS, of Mississippi, the Committee on Public Lands, to whom was referred the resolution of the Legislature of the State of Mississippi, relating to British grants of land, were discharged from the further consideration thereof, and it was referred to the committee last mentioned, to consider and report thereon.

Mr. EDWARDS presented the petition of Elisha Herington, and also the petition of Elisha Herington and others, of Illinois, praying confirmation of their titles to certain lands; and the petitions were read, and respectively referred to the Committee on Public Lands.

The bill entitled "An act to authorize the Secretary of State to cause the laws of the Michigan Territory to be printed and distributed, and for other purposes," was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act making further appropriation for continuing the work upon the centre building of the Capitol and other public buildings," was read the second time, and the further consideration thereof was referred to the Committee on the Public Buildings.

The Senate resumed the consideration of the motion of the 13th instant, for an additional rule to regulate the admission of persons on the floor of the Senate; and, on motion by Mr. VAN DYKE, the further consideration thereof was postponed until the first Monday in June next.

Mr. STOKES submitted the following motion for consideration:

Resolved, That the Committee on Public Buildings be instructed to inquire into the expediency of enlarging the galleries in the Senate chamber, so as to render them suitable for the comfortable and convenient accommodation of such persons as may think proper to attend the deliberations of the Senate.

The bill for the relief of Thomas Hunter, and also the bill declaring the consent of Congress to certain acts of the Legislature of the State of North Carolina, were severally read the second time.

The bill granting the right of pre-emption to actual settlers on the public lands was read the second time, and referred to the Committee on Public Lands.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the resolution authorizing the publication of part of the secret journal of Congress under the Articles of Confederation, reported the same without amendment.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Ephraim Hart; and, the same having been amended, it was resolved that the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his papers.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the better organization of the Treasury Department, and made some progress therein.

CLAIMS ON SWEDEN.

The following resolution, submitted yesterday by Mr. BURRILL, was taken up for consideration:

Resolved, That the President of the United States be requested to lay before the Senate copies of the correspondence between the Ministers or other agents of the United States, and the Ministers or Government of Sweden, relative to seizures, sequestrations, or confiscations of the ships or other property of citizens of the United States, under the authority of Sweden or of France, while the French were in possession of Pomerania or other territories of Sweden; or of so much of said correspondence as may, in the opinion of the President, be communicated without injury to the public interest.

Mr. BURRILL would only remark, in explanation of his motion, that it would be recollected he had, early in the session, presented memorials from a number of merchants, who had suffered depredations on their property at the time that the French made an irruption into the Swedish territory; that when the country was restored to Sweden, instead of restoring the vessels, &c., which had been seized by the French, to their owners, the King ordered the property to be sold, and the proceeds placed in his treasury. The merchants, though they were greatly injured by the sale, yet asked, not full indemnity, but merely for the amount of the proceeds; and, though the King of Sweden had never denied the equity of their claim, he had never granted their petition. It was proper for Congress to decide what steps, if any, were proper to obtain justice for their fellow-citizens; and, with that view, he wished the information requested in the resolution.

The resolution was agreed to.

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The Bankrupt Bill.

SENATE.

BANKRUPT BILL.

The Senate resumed, in Committee of the Whole, Mr. KING, of Alabama, in the chair, the consideration of this bill.

Mr. VAN DYKE, in pursuance of the intention which he intimated yesterday, rose and offered the following additional section to the bill:

And be it further enacted, That any person residing within the United States, being imprisoned by virtue of legal process, issued by any court of record, without his own procurement or consent, in any civil suit instituted for the recovery of money due on contract, to the amount of two hundred dollars, or being indebted to any one creditor in the sum of one thousand dollars, or to two or more creditors whose debts together shall amount to fifteen hundred dollars, may become a voluntary bankrupt, by presenting a petition to either of the judges aforesaid, within the district within which he is imprisoned, or within which he has resided for six months next preceding, setting forth that he is desirous of taking the benefit of this act, and acknowledging himself a bankrupt; and upon the hearing of the said petition if the said judge shall be satisfied that the petitioner is imprisoned, or is indebted in the manner above mentioned, then the said judge shall adjudge the petitioner to be a bankrupt, and shall thereupon appoint commissioners in the case of such bankrupt in the same manner and form as is by this act directed where a commission of bankruptcy has been issued; and the like further proceedings shall be had in relation to such voluntary bankrupt and his estate in all respects as are by this act provided in relation to a person against whom a commission of bankruptcy has been adversely prosecuted under this act—and such voluntary bankrupt, complying with the several provisions of this act, shall be entitled to and receive a certificate of discharge from either of said judges, upon the same terms, and in the same form, as certificates are granted to involuntary bankrupts under this act; and such certificate shall have the same force and effect, in all respects, as certificates granted to other persons by virtue of this act.

Mr. BURRILL suggested whether the amendment did not go further than the mover intended. It appeared to Mr. B. to extend to all who had heretofore taken the benefit of insolvent laws, and would operate as a sort of general jail delivery. It also comprehended persons of every description, merchants as well as others, which would be inconsistent with the principle of the bill, as that applied to merchants, with or without their consent, and to cases of future trading only. The amendment was an entirely new system, Mr. B. said, and a new bill.

On motion of Mr. WILSON, who thought the amendment too important to be acted on without a full examination, the bill was postponed until tomorrow, and the amendment ordered to be printed.

WEDNESDAY, March 22.

The Senate resumed the consideration of the report of the Committee on the Public Lands, who were instructed, by a resolution of the Senate, to inquire into the expediency of making provision by law for the payment of the several deputy surveyors in the Missouri Territory full compensation

for certain services; and, in concurrence therewith, resolved that the committee be discharged from the further consideration of the subject.

The Senate resumed the consideration of the report of the committee, to whom was referred the petition of George Mayfield; and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The PRESIDENT communicated the report of the Secretary of State, to whom was referred, on the 16th of February, 1819, the memorial of James Smith and others, of the city of Philadelphia, praying compensation for certain claims on the Government of France; and the report was read, as follows:

DEPARTMENT OF STATE,

WASHINGTON, March 20.

The Secretary of State, to whom, on the 6th of February, 1819, by a resolution of the Senate, the memorial of James Smith and others was referred, to consider and report thereon, has the honor of submitting the following report:

The claims of the memorialists belong to a class which among many others has been repeatedly, and very earnestly, pressed upon the attention of the Government of France. Copies are herewith submitted to the Senate of the correspondence between the Minister of the United States at Paris, and the Minister of Foreign Relations upon the subject, before and since the reference of the memorial to the Department. From the grounds of resistance to the claims most recently assumed on the part of the French Government, it would appear, that any relief which the memorialists may be entitled to expect, can result only from measures within the exclusive competency of the legislative authority.

JOHN QUINCY ADAMS.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act making appropriations for the military service of the United States for the year 1820," reported the same with amendments, which were read.

Mr. SANFORD also communicated certain documents in relation thereto, which were read, and ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the motion of the 21st instant, for instructing the Committee on Public Buildings to inquire into the expediency of enlarging the galleries in the Senate Chamber, and agreed thereto.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill granting certain privileges to the Ocean Steamship Company, of New York, and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of the legal representatives of Tench Francis, deceased; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the better organization of the Treasury Department; and the further consideration thereof was postponed to, and made the order of the day for, tomorrow.

Mr. BARBOUR submitted the following motion for consideration :

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making provision for satisfying the unlocated land warrants issued to the officers and soldiers of the Virginia line, on State establishment, during the Revolutionary war.

BANKRUPT BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish an uniform system of bankruptcy throughout the United States, together with the amendment proposed thereto by Mr. VAN DYKE, as follows :

SEC. 65.—*And be it further enacted*, That any person residing within the United States, being imprisoned by virtue of legal process, issued by any court of record, without his own procurement or consent, in any civil suit instituted for the recovery of money due on a bona fide contract, to the amount of two hundred dollars, or being indebted to any one creditor in the sum of one thousand dollars, or to two or more creditors whose debts together shall amount to fifteen hundred dollars, may become a voluntary bankrupt, by presenting a petition to either of the judges aforesaid, within the district within which he is imprisoned, or within which he has resided for six months next preceding, setting forth that he is desirous of taking the benefit of this act, and acknowledging himself a bankrupt ; and, upon the hearing of the said petition, if the said judges shall be satisfied that the petitioner is imprisoned, or is indebted in the manner abovementioned, then the said judge shall adjudge the petitioner to be a bankrupt, and shall thereupon appoint commissioners in the case of such bankrupt, in the same manner and form as is by this act directed, where a commission of bankruptcy has been issued, and the like further proceedings shall be had in relation to such voluntary bankrupt, and his estate, in all respects, as are by this act provided, in relation to a person against whom a commission of bankruptcy has been adversely prosecuted under this act ; and such voluntary bankrupt, complying with the several provisions of this act, shall be entitled to, and receive, a certificate of discharge from either of said judges, upon the same terms and in the same form as certificates are granted to involuntary bankrupts under this act ; and such certificate shall have the same force and effect, in all respects, as certificates granted to other persons by virtue of this act.

Mr. VAN DYKE briefly stated the object of his amendment, and the propriety and justice of extending the system to other classes, under certain circumstances, and with their own consent, who are not now included in the bill, which applies only to merchants or traders.

Mr. KING, of New York, spoke to show that a bankrupt law, applying peculiarly and solely to persons in trade, was the only kind in the contemplation of the Constitution ; that therefore the proposed amendment would be exercising a power which, if not left to the States, did not reside in Congress, and was unconstitutional. He argued at some length also in support of the policy, expediency, justice, and necessity of the enactment of a system such as pointed out by the Constitution.

Mr. HUNTER had agreed with Mr. KING in his Constitutional view of the subject ; but, inasmuch

as the Supreme Court had pronounced an opinion that the enactment of a bankrupt system, embracing the principle contained in the amendment, did not exceed the Constitutional powers of Congress, they were bound to consider the power as residing in the Legislature. He approved the object of the amendment, and as there was no Constitutional bar interposed, he advocated its adoption.

Mr. OTIS, Mr. MELLEN, and Mr. BURRILL, opposed the amendment much at length, on the ground of its inexpediency, and of the impropriety of incorporating such a feature in the present bill.

Mr. VAN DYKE argued, also at some length, in support of the constitutionality, the expediency, and the equity of his amendment, and in reply to Mr. KING and others.

Mr. WILSON, and Mr. SMITH, also advocated the amendment. Though not friendly to the bill, the amendment would make it much less exceptionable to them.

Mr. MELLEN, for the purpose of limiting the operation of the amendment to cases of insolvency which had already occurred, and to prevent its prospective operation altogether, moved so to modify it.

This motion was negatived without count.

The question being taken on agreeing to Mr. VAN DYKE's amendment, it was decided in the affirmative by yeas and nays as follows :

YEAS—Messrs. Barbour, Brown, Dickerson, Eaton, Elliott, Gaillard, Hunter, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Macon, Morril, Noble, Palmer, Pleasants, Roberts, Ruggles, Smith, Stokes, Taylor, Thomas, Van Dyke, Walker of Alabama, and Wilson—26.

NAYS—Messrs. Burrill, Dana, Edwards, King of New York, Lanman, Lowrie, Mellen, Otis, Parrott, Sanford, Tichenor, Trimble, and Williams of Mississippi—13.

Mr. LLOYD then moved to add to the 36th section of the bill the following proviso :

That such discharge of any bankrupt shall not release, discharge, or in any manner impair any debt due or to become due from such bankrupt to any person or persons not liable to a commission of involuntary bankruptcy, under the provisions of this act, who may not have become a bankrupt under this act ; but every such debt, or such part thereof as remains unsatisfied under said commission of bankruptcy, may be sued for and recovered in the same manner as if no such certificate of bankruptcy had been granted.

But before any question was taken on this amendment, the bill was postponed until to-morrow.

ADJUSTMENT OF LAND CLAIMS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Missouri Territory, together with the amendment reported thereto by the Committee on Public Lands.

A good deal of discussion took place on the details of this bill and amendments offered to it ; in which Messrs. KING of New York, JOHNSON of Louisiana, BROWN, LOWRIE, and RUGGLES, took part. In the course of which the bill was so amend-

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James Brown—Adjournment, &c.

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ed, on the motion of Mr. BROWN, as to make it applicable to Louisiana exclusively; on the ground that other and additional provisions were necessary for Missouri and Arkansas; and that, as a bill on the same subject was now before the House of Representatives, the Delegates from those Territories would have such provisions inserted as were requisite and proper.

Before the bill was completed, the usual hour of adjournment had arrived; and the Senate adjourned.

THURSDAY, March 23.

Mr. SANFORD communicated certain resolutions of the Legislature of the State of New York, recommending such revision and regulation of the present tariff as shall tend so much to reduce the importations of foreign goods as shall effectually protect our own manufactures; and the resolutions were read.

Mr. NOBLE presented the petition of Sismund Basey, of Indiana, praying the grant of a certain portion of land for the purpose of erecting a grist and saw mill thereon; and the petition was read, and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act establishing a circuit court within and for the District of Maine," with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendment, and concurred therein.

Mr. ROBERTS, from the Committee of Claims, to whom was recommitteed the report of the said committee on the petition of Ebenezer Stevens and others, with certain instructions, reported a bill for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee on Public Buildings, to whom was referred the bill, entitled "An act making further appropriations for continuing the work upon the centre building of the Capitol and other public buildings," reported the same with an amendment, which was read.

The Senate took up the resolution submitted yesterday by Mr. BARBOUR, directing the Land Committee to inquire into the expediency of making provision for satisfying unlocated land warrants issued to the officers and soldiers of the Virginia line, on State establishment, during the Revolutionary war.

Mr. B. entered into an explanation of some facts connected with the inquiry, for the information of the committee; the reasons which rendered the inquiry necessary at this late day; why it had never been fully decided by Congress, &c.

The resolution was adopted *nem. con.*

The bill for the relief of the legal representatives of Tench Francis, deceased; and also the bill granting certain privileges to the Ocean Steamship Company, of New York, were severally read the second time.

Mr. PLEASANTS, from the Committee on Naval Affairs, made an unfavorable report on the petition of Harriet Shackerly, and other children of Peter Shackerly, who was slain on board of the Chesapeake, when that ship was attacked by the British frigate Leopard, and praying some relief, in consequence thereof.

JAMES BROWN.

The report of the Committee on the Judiciary, unfavorable to the petition of James Brown, of Tennessee, (praying the enactment of a law to change the venue from Ohio, in a prosecution by him, against certain citizens of Ohio, for rescuing from the petitioner certain German redemptioners, which he had purchased in Pennsylvania, and was carrying home, and for committing other injuries on the petitioner, for which injuries he cannot, from the influence of prejudice, obtain justice in the State of Ohio,) was read.

Mr. EATON remarked, that this was a case of considerable importance; and, for the purpose of making provisions for similar cases, rarely as it is believed they occur, by a general act, and to bring the subject fully before the Senate, he moved the adoption of the following resolution:

Resolved, That the report of the Judiciary Committee, to whom was referred the petition of James Brown, be recommitteed, and that they be instructed to bring in a bill authorizing, upon sufficient representation before the judge or judges, where any suit may be hereafter pending, that a fair and impartial trial cannot be had in said State, a change of venue to some adjoining State, free from the like exception.

Upon this proposition a debate of considerable duration ensued, which turned principally on the expediency of making general regulations, growing out of individual cases—the correctness of the facts alleged in this case—the constitutionality of transferring the venue from one State to another—the probability of advancing the ends of justice thereby.

The resolution was advocated by Messrs. EATON, and SMITH, and was opposed by Messrs. BURRILL, TRIMBLE, LANMAN, OTIS, LOWRIE, RUGGLES, and STOKES.

A motion was made by Mr. MACON, to postpone the subject indefinitely, for the reason that it would not be practicable to take up and mature the system proposed by the resolution at this late period of the session, even if the principle were admitted, when so many other national questions were to be settled. After some discussion, the motion prevailed—yeas 24; and the resolution was postponed indefinitely.

ADJOURNMENT, &c.

The Senate resumed the consideration of the resolution of Mr. OTIS fixing a day for the adjournment of the present session of Congress; which was modified by the mover by inserting the 17th instead of the 10th of April as the day proposed.

This proposition was discussed at some length by Messrs. OTIS, WILSON, SMITH, JOHNSON, of Louisiana, DICKERSON, MACON, LLOYD, KING, of Alabama, DANA, and JOHNSON, of Kentucky; embracing the questions of the expediency of fixing

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a period so long before the time proposed; and whether it would accelerate the business of the session, and whether the necessary business could be maturely acted on within the time now proposed—whether the Senate ought not to wait for the other House to mark out the session by the business before that branch—and various other points which entered into the debate; the result of which was the postponement of the resolution, on the motion of Mr. WILSON, to Thursday next.

The Senate then resumed the bill supplementary to the several acts for the adjustment of land titles, under Spanish and French grants, &c., in the State of Louisiana.

The Senate remained until past three o'clock in an assiduous investigation of the details of this bill and of various amendments thereto proposed; and the bill was finally ordered to be engrossed for a third reading, as amended; and the Senate adjourned.

FRIDAY, March 24.

The bill for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased; was read the second time. The Senate adjourned to Monday.

MONDAY, March 27.

The PRESIDENT communicated the memorial and remonstrance of the Legislature of the State of Georgia respecting the territory in that State held by certain Indian tribes, and praying that a treaty may be made for further cessions thereof for the use of Georgia; and the memorial and remonstrance was read, and referred to the Committee on Indian Affairs.

Mr. LEAKE submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation for holding a treaty with the Choctaw and Chickasaw Indians, for the purpose of extinguishing their claim to a portion of their lands lying within the State of Mississippi.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill authorizing the building of a certain number of small vessels of war; and the bill was read and passed to the second reading.

Mr. PLEASANTS communicated certain documents in relation thereto, which were ordered to be printed for the use of the Senate.

Mr. PLEASANTS, from the same committee, also reported a bill regulating the pay of surgeons in the naval service of the United States; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the better organization of the Treasury Department; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill apportioning the Representatives in the Seventeenth Congress

to be elected in the Commonwealth of Massachusetts and the State of Maine, and for other purposes, and the same having been amended, it was reported to the House accordingly; and the amendments being concurred in, the bill was ordered to be engrossed and read a third time.

Mr. BROWN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Thomas Leiper; and the bill was read, and it passed to the second reading.

Mr. HUNTER, from the Committee on the District of Columbia, reported a bill explanatory of the act authorizing the sale of certain public ground in the city of Washington, (authorizing the extension to the Avenue, and sale of a part of reservation numbered 10;) which was read, and passed to a second reading.

The engrossed bill, supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Missouri Territory was read a third time, and passed.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Matthew McNair; and the bill was read, and passed to the second reading.

Mr. EATON gave notice that, to-morrow, he should ask leave to bring in a bill for the relief of certain paymasters of the United States Army.

RELATIONS WITH SPAIN.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress an extract of a letter from the Minister Plenipotentiary of the United States at St. Petersburg, of the 1st of November last, on the subject of our relations with Spain, indicating the sentiments of the Emperor of Russia respecting the non-ratification, by His Catholic Majesty, of the treaty lately concluded between the United States and Spain, and the strong interest which His Imperial Majesty takes in promoting the ratification of that treaty. Of this friendly disposition, the most satisfactory assurance has been since given, directly, to this Government, by the Minister of Russia residing here.

I transmit also to Congress an extract of a letter from the Minister Plenipotentiary of the United States at Madrid, of a later date than those heretofore communicated, by which it appears, that, at the instance of the *Chargé des Affaires* of the Emperor of Russia, a new pledge had been given by the Spanish Government that the Minister who had been lately appointed to the United States should set out on his mission without delay, with full power to settle all differences, in a manner satisfactory to the parties.

I have further to state, that the Governments of France and Great Britain continue to manifest the sentiments heretofore communicated, respecting the non-ratification of the treaty by Spain, and to interpose their good offices to promote its ratification.

It is proper to add, that the Governments of France

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and Russia have expressed an earnest desire that the United States would take no step, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain. There is good cause to presume, from the delicate manner in which this sentiment has been conveyed, that it is founded in a belief, as well as a desire, that our just objects may be accomplished without the hazard of such an extremity.

On full consideration of all these circumstances, I have thought it my duty to submit to Congress, whether it will not be advisable to postpone a decision on the questions now depending with Spain, until the next session. The distress of that nation, at this juncture, affords a motive for this forbearance, which cannot fail to be duly appreciated. Under such circumstances, the attention of the Spanish Government may be diverted from its foreign concerns, and the arrival of a Minister here be longer delayed. I am the more induced to suggest this course of proceeding, from a knowledge that, while we shall thereby make a just return to the Powers whose good offices have been acknowledged, and increase, by a new and signal proof of moderation, our claims on Spain, our attitude, in regard to her, will not be less favorable at the next session than it is at the present.

JAMES MONROE.

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The Message and accompanying documents were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

BANKRUPT BILL.

The Senate then resumed, in Committee of the Whole, Mr. KING, of Alabama, in the Chair, the consideration of this bill—the amendment offered by Mr. LLOYD, when the bill was last up, being still under consideration, as follows:

“*SEC. 65. And be it further enacted*, That any person, residing within the United States, being imprisoned by virtue of legal process, issued by any court of record, without his own procurement or consent, in any civil suit instituted for the recovery of money due on a bona fide contract, to the amount of two hundred dollars, or being indebted to any one creditor in the sum of one thousand dollars, or to two or more creditors whose debts together shall amount to fifteen hundred dollars, may become a voluntary bankrupt, by presenting a petition to either of the judges aforesaid, within the district within which he is imprisoned, or within which he has resided for six months next preceding, setting forth that he is desirous of taking the benefit of this act, and acknowledging himself a bankrupt; and, upon the hearing of the said petition, if the said judge shall be satisfied that the petitioner is imprisoned, or is indebted in the manner above mentioned, then the said judge shall adjudge the petitioner to be a bankrupt, and shall thereupon appoint commissioners in the case of such bankrupt, in the same manner and form as is by this act directed, where a commission of bankruptcy has been issued, and the like further proceedings shall be had in relation to such voluntary bankrupt and his estate, in all respects, as are by this act provided in relation to a person against whom a commission of bankruptcy has been adversarily prosecuted under this act; and such voluntary bankrupt, complying with the several provisions of this act, shall be entitled to, and receive, a certificate of discharge from either of said judges,

upon the same terms, and in the same form, as certificates are granted to involuntary bankrupts under this act; and such certificate shall have the same force and effect, in all respects, as certificates granted to other persons by virtue of this act;” by striking out the whole after the enacting clause, and inserting in lieu thereof the following: “That such discharge of any bankrupt shall not release, discharge, or in any manner impair, any debt due, or to become due, from such bankrupt, to any person or persons not subject to the commission of bankruptcy under the provisions of this act; but any such debt, or such part thereof as remains unsatisfied under said commission of bankruptcy, may be sued for and recovered in the same manner as if no such certificate of discharge had been granted.”

Mr. LLOYD rose, and observed that he had felt, and still entertained, strong doubts of the expediency of a bankrupt system, but feeling much respect for the classes originally embraced in the bill, he was disposed to extend to them the relief which this bill might afford, if any could be afforded; and was willing to support the bill by his vote, if confined exclusively to merchants and traders. He was, however, on more mature reflection, persuaded, that the provisions necessary to make a bankrupt system effective, could not be applied, beneficially, to planters and farmers; and, therefore, if Mr. VAN DYKE's amendment should be retained in the bill, and the bill not limited in its operation to merchants and traders, he should be obliged to vote against it. He would, at this time, withdraw his amendment, as a reconsideration of Mr. VAN DYKE's amendment was not now in order, and would renew it when the bill came into the Senate.

Mr. VAN DYKE, after observing that he had intimated, when his amendment was offered, that he should afterwards propose other provisions necessary to its execution, and to assimilate it to the rest of the bill, now moved to amend the bill, by adding sundry sections thereto, having in view the object which he expressed.

The amendment was opposed by Mr. OTIS, who spoke also of the inexpediency of Mr. VAN DYKE's original amendment, (extending the bill to farmers and others,) to which these sections were applicable and supplementary. He was replied to by Mr. VAN DYKE, who defended the expediency of the provision which had been adopted on his motion, and of the present amendment. The amendment was agreed to without a division.

Mr. VAN DYKE said, on a careful examination of the bill, he found a provision in the 32d section which appeared to him calculated to produce ruinous consequences to many fair, honest creditors of a bankrupt. By that provision creditors, by judgment or recognizance, after the bankruptcy of their debtors, were reduced to a level with others, as it appeared to him in violation of law and justice. In the State which he represented, he remarked, judgments, either obtained in adversary suits, or entered by virtue of warrants of attorney, according to the English practice, had been used and relied on from the first organization of courts in that territory, as a common security for debt, operating a lien upon all the lands and tenements of the

debtor, from the time of being entered on the record.

The law is the same in most, if not all the States. Recognizances stand upon the ground of still higher dignity. They have been adopted in Delaware by statutory provision in two very important instances, namely, as the form of security for sheriffs, and also for the assignee of intestates' real estate, under the authority of the orphans' court, where the land will not bear a division. In Pennsylvania the same security by recognizance is also used upon the assignment of intestates' lands. The provision of the 32d section would destroy or place at hazard this security, and derange the now established rules of law in many of the States. Under an impression that such a measure ought not to be adopted, Mr. V. moved to strike out the words "judgment, statute, and recognizance," in the section, so as to leave them to their full legal effect and operation, according to the laws of the respective States.

Mr. BURRILL observed, that the main object of the bill was to produce an equal distribution of a bankrupt's estate, and to prevent fraud; and feared this amendment would very seriously impair the force of the statute. He argued at some length against the amendment.

Mr. Mellen also opposed the amendment, and spoke to show its inexpediency, and its incompatibility with the efficiency of the system.

Mr. WALKER, of Georgia, remarked, that the practice prevailed in Georgia, respecting liens which had been adduced in support of this amendment; but he doubted whether it would accomplish the object intended, and therefore moved to strike out the whole clause, and insert a substitute, providing "that nothing herein contained shall operate to defeat any lien which any creditor may have upon the estate of such bankrupt, by virtue of any judgment or recognizance bona fide obtained against, or entered into by such bankrupt, previously to the time he became bankrupt."

This modification was accepted by Mr. VAN DYKE; and after some debate, in which Messrs. OTIS and BURRILL opposed, and Messrs. WALKER, of Georgia, and VAN DYKE, advocated the amendment, the question was taken, and the amendment agreed to—yeas 16, nays 9.

Mr. EATON then offered to amend the amendment, by adding thereto the following proviso:

"And provided, further, That no judgment shall operate as a lien, unless execution be issued and levied within three months from the rendition of the judgment, and unless proper diligence and industry be used to procure the same to be satisfied."

This amendment was opposed by Mr. SMITH as inexpedient, and it was subsequently withdrawn by the mover.

No other amendment being offered, the bill was reported, with its amendments, to the Senate; which were all successively concurred in, until the question was stated on concurring with the committee in Mr. VAN DYKE's amendment, (extending the provisions of the act to all other per-

sons, but at their own instance, and by their voluntary consent only.)

Mr. LLOYD proposed to strike out all of this amendment, after the enacting clause, and to insert in lieu thereof a substitute, the same as the amendment which he offered on Thursday and withdrew this morning; (providing, in substance, that no person taking the benefit of the act shall be released from a debt due to any person of those classes who are excluded from the benefit of the act;) in support of which amendment Mr. L. briefly recapitulated the reasons which he had submitted previously this day on the same subject.

A division of the question was required by Mr. OTIS, and was accordingly taken first on striking out Mr. VAN DYKE's amendment.

This question was decided, by yeas and nays, in the negative, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Edwards, Elliot, King of New York, Lanman, Lloyd, Lowrie, Morrill, Noble, Otis, Palmer, Parrott, Sanford, Tichenor, Trimble, and Williams of Mississippi—18.

NAYS—Messrs. Barbour, Brown, Eaton, Gaillard, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Morrill, Pleasants, Roberts, Ruggles, Smith, Stokes, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Tennessee, and Wilson—24.

The Senate refusing to strike out the amendment of Mr. VAN DYKE, the substitute offered by Mr. LLOYD fell of course, without any question.

The question was then taken on agreeing to Mr. VAN DYKE's amendment, and decided in the affirmative—yeas 25, nays 16, as follows:

YEAS—Messrs. Barbour, Brown, Eaton, Elliott, Gaillard, Hunter, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Morrill, Palmer, Pleasants, Roberts, Ruggles, Smith, Stokes, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Tennessee, and Wilson.

NAYS—Messrs. Burrill, Dana, Dickerson, Edwards, King of New York, Lanman, Lloyd, Lowrie, Mellen, Noble, Otis, Parrott, Sanford, Tichenor, Trimble, and Williams of Mississippi.

The remaining amendments were then agreed to, and the bill postponed till to-morrow.

TUESDAY, March 28.

The PRESIDENT communicated the petition of Benjamin G. Bulkey, setting forth that, in the session of 1799 and 1800, he offered to the Senate certain proofs of the corruption in the Post Office Department, which were not fully examined, by which he alleges to have sustained great injury, and praying that the said charges may now be inquired into, to the end that justice may be rendered him; and the petition was read and laid on the table.

Mr. BARBOUR presented the petition of Lemuel Bent, late paymaster in the Army of the United States, praying relief in the settlement of his accounts; and the petition was read, and referred to the Committee of Claims.

Mr. B. also presented the petition of Charles K. Mallory and others, officers of the customs for

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the port of Norfolk, praying an increase of compensation; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. LOWRIE, from the Committee on Public Lands, to whom was referred the bill granting to the State of Ohio the right of pre-emption to certain sections of land, reported the same, with an amendment, which was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" a bill, entitled "An act to amend the act, entitled 'An act to provide for the publication of the laws of the United States, and for other purposes;'" and also a bill, entitled "An act for the relief of Elizabeth Braden," in which bills they request the concurrence of the Senate.

MILITARY APPROPRIATIONS.

The Senate took up, as in Committee of the Whole, the bill from the other House making appropriations for the military service of the present year, together with the amendments reported thereto by the Committee on Finance of the Senate.

These amendments propose, 1st. To add \$130,000 to the appropriation for the clothing for the Army; and, 2d. To increase the appropriation for the Quartermaster General's department from \$450,000 to \$500,000. [This latter involved the question whether the Missouri Expedition shall be limited to the Council Bluffs, or authorized, by appropriation, to be extended to the Mandan villages, as originally contemplated by the Executive.]

The first amendment being read,

Mr. SANFORD rose and explained in detail the reasons which induced the committee to recommend an augmentation of the appropriations enumerated above; which augmentation was grounded, generally, on the expediency of keeping up the military establishment on its present footing—the effect of the reduced appropriation being to diminish the Army to about eight thousand men—the expediency of prosecuting the military expedition up the Missouri, as high as the Mandan villages, to effect the avowed objects of the Government, to secure to the country its just portion of the Indian fur trade; of cutting off the intercourse, the pernicious influence, and the profit of the British traders and companies from the extensive tribes within our limits to the northwest, by the establishment of the military posts contemplated by the Executive at certain points on the northwestern waters, particularly up the Missouri, &c.; the inexpediency of relinquishing that trade, at least without an equivalent, and the propriety of exercising rights and enjoying advantages which nobody disputes: all which Mr. S. went much into detail—by a reference to documents on the subject, and a recurrence to the history of our country, and the policy and object of England and her fur companies—to explain and justify, particularly in reference to that branch of the subject connected with our Indian relations.

The first amendment, increasing the appropriation for clothing was stated, when, in answer to an inquiry by Mr. WILSON, Mr. TRIMBLE and Mr. DANA, respectively, explained the propriety of the increase, on the ground, among other reasons, that it was rendered proper by the necessity of having always a six months' supply on hand, for furnishing with certainty distant posts, &c.

Mr. MORRIS admitted the propriety of having a well appointed and well supplied Army; but spoke in favor of economy, and a rigid examination of the appropriations, to ascertain where retrenchment could be effected without detriment to the public service.

Mr. DANA replied at some length, to show that there was no extravagance in this appropriation, at least; but, on the contrary, it was required by considerations of true economy, &c.

Mr. WILSON expressed himself satisfied with the explanations given on this question.

Mr. BURRILL made a few remarks to show, from the probable strength of the Army, that the appropriation made by the other House would be sufficient for the object, without any increase.

Mr. MACON read one or two documents to show that the Army would probably be reduced by the effect of desertion, which had amounted, in the last year, to more than fifteen hundred—the number contemplated to be recruited.

Mr. OTIS opposed the reduction of the Army in this incidental way, by diminishing appropriations, and argued that a certain amount of force was authorized by Congress; that the estimates of the Executive officers were grounded thereon, and it was proper to be guided in some degree by them, and rely somewhat on their responsibility, &c.

After some further discussion between Messrs. DANA, BURRILL, EATON, and TRIMBLE, the first amendment was agreed to.

The second amendment, to increase the appropriation for the Quartermaster's department (for the use of the Missouri Expedition,) from four hundred and fifty thousand dollars to five hundred thousand dollars was next taken up.

Mr. MACON spoke in favor of the policy of limiting the Missouri Expedition to the Council Bluffs, which it had reached, and against the extension of our acquisitions of territory at present further into the Indian country, as they now extended far enough for the population; believing that carrying those expeditions among the Indians was likely to produce Indian wars; that if carried further up the Missouri, they must be extended in other directions; that they could not destroy the influence of private traders over the Indians, as was proven by experience, &c.

Mr. EDWARDS maintained that the establishment of posts was acceptable to the Indians, and had not a tendency to produce hostility from them, and that otherwise intruders within our limits could not be excluded, or their influence destroyed amongst the Indians.

Mr. DANA argued in support of the policy of impressing the Indian tribes with opinions of our power and justice, as the principal means by which they could be controlled; that this was to be pro-

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duced by the exhibition and establishment amongst them of a military force, and they thus be taught to respect and confide in us; that the points selected in this instance were deemed advantageous; and that the object was certainly worth more than the amount of twenty thousand dollars, the real sum in controversy.

Mr. MORRIL adverted to the embarrassments of the Treasury, the general difficulty of the times with all classes and in all parts of the country, to show that it was inexpedient and impolitic to encourage expensive projects; that the nation was not in a pecuniary condition to support them; insisting on the policy of conforming the public expenditures to the public income; and, as to the question immediately before the Senate, he was in favor of stopping the Missouri Expedition where it now is.

Mr. LEAKE called the attention of the Senate to letters from Colonel Atkinson and other officers to the War Department, to show the pernicious effects of private traders, on the disposition, manners, and morals of the Indians, and to show that they could not be controlled by trade merely.

Mr. TRIMBLE spoke at considerable length, to impress his opinions of the importance of the trade with the Indians; the policy of extending it; of excluding from them intruders and foreign influence; of obtaining a controlling influence over them; the means necessary to effect these objects, the most effectual of which was the establishment of military posts on the extreme frontier: that the expedition up the Missouri to the extent contemplated by the War Department was compatible with the true policy of the nation, and the best and safest means of promoting that policy, &c.; that an opposite policy gave the British an influence over the Northwest Indians that, in the last war, cost this nation thousands of lives and millions of money, &c.; that the additional expense was extremely inconsiderable compared with the advantages in view, &c.; and entered much at large into a view of the opposition, trade, and connexion of the various tribes, the routes of foreign traders, &c.; and concluded by asserting, that, without any reference to the present expedition, the appropriation ought not to be less than the amendment contemplated.

Mr. MACON replied to some of the statements made by Mr. DANA in relation to former fiscal matters, and proceeded to argue that the Indians were sufficiently well acquainted with the power of the United States without consuming the public resources in sending military expeditions to such extremely remote points, &c.

Mr. BURRILL thought Mr. DANA's argument, like many other good ones, proved too much; that, if it were admitted that our power ought to be exhibited so far up the Missouri, the same policy would require it elsewhere, even as far as the Columbia, and argued that it was the acquisition of the fur trade only which ought to be aimed at, or now considered; that there was no want of Indian territory in that direction at present, and that having no controversy with the Indians or with England, about boundary or any thing else, it was in-

expedient to prosecute this expedition further than it had reached; that if that was found beneficial there, it might be extended hereafter; that as it would probably produce hostilities with the Indians it would be best to proceed prudently, &c.

Mr. EDWARDS argued from the practice of the English companies, and the French, as well as our own experience, that forts and military force stationed amongst them, were necessary to produce the desired effect on the Indians; and that no other means would answer.

Mr. OTIS would perhaps have been adverse to this expedition if called on now for the first time, to authorize it; but having been sanctioned by Congress at the last session, and already prosecuted to a great extent, he knew of nothing which had occurred to induce an abandonment of it; that to keep the expedition where it is, \$480,000 will be necessary, and to carry it up to the point originally contemplated would require but \$20,000 more; and asked whether the expedition had been proven so improper, after the strong expressions used in its favor by the President, as to induce it to be given up for this small sum, &c.; why was it proper to go to the Council Bluffs, yet not proper, after making two appropriations on the subject, to go a little further? It was an inexpedient and unharmonious way of legislating, and carrying into effect an important policy in relation to the fur trade—it was worth the trifle called for.

Mr. LOGAN went into a similar train of reasoning to establish the opinion that the expedition was in pursuance of a great national policy—to extend our own trade and influence with the Indians, and cutting up that of foreigners—of averting Indian hostilities, &c., and that the sum involved was unimportant compared with such objects.

The bill was then postponed till to-morrow.

Mr. SANFORD laid on the table the following documents:

DEPARTMENT OF WAR, March 20, 1820.

SIR: I understand that, in the military appropriation bill, the item of clothing is filled \$300,000 only. I deem it my duty to state, if a greater sum is not appropriated, the public service must suffer very serious inconvenience, at least in the year 1821.

In the years 1816, 1817, 1818, 1819, there were appropriated for clothing of the Army \$350,000, \$670,881, \$618,150, \$400,000, respectively. The result was, an accumulation of the articles of clothing, except in 1816 and 1819. Under a belief that the supply ought not to be further accumulated, and that the sum of \$400,000 would be sufficient, or nearly so, to keep up the stock on hand, that sum was appropriated for 1819. When the estimates of this year were made, it was ascertained that the stock of clothing was considerably diminished in the course of the year, and the sum of \$430,000 was asked for this year, under the belief, that a greater sum than that of the last year was required; and that it was the least sum which would meet the exigence of the service. In the estimate for this sum, it was presumed that the aggregate of our military strength would average for the year about ten thousand men. It must be obvious, that there ought to be, at least, six months of supply of clothing always on hand. The issue is made semi-

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annually in the month of April for Summer, and November for Winter; and it must be apparent, that the April issue cannot be provided in time, after the passage of the appropriation bill. In fact, the supply on hand ought to exceed six months issue for the whole Army; as the means of transportation to the posts occupied by the three regiments stationed on the Northwestern frontier, cannot be relied on more than once a year. But it is believed, that should the sum of \$300,000 only be appropriated, that the stock on hand would be nearly or quite exhausted; and that great inconvenience would result to the service in the ensuing year. I would therefore respectfully suggest the propriety of so amending the bill, as to appropriate the sum of \$430,000. It may be proper to state, that even this sum is much below the estimate of the Commissary of Purchases. His estimate amounts to \$560,017 49.

I also understand that the appropriation for the quartermaster's department is filled in the bill with \$450,000 instead of \$500,000, as reported to the House of Representatives by the Committee of Ways and Means; the reduction of \$50,000 being made, as is stated, on the ground that it would be inexpedient to establish any post on the Missouri above the Council Bluffs. The expense of transportation to the Council Bluffs is estimated at less than half of that to the Mandan villages; and as the supplies of both of the regiments stationed on the Missouri would have to be transported to the former post, where it was intended to station one of them, and as those of one regiment only would have to be transported from the Council Bluffs to the Mandan villages, it is obvious that more than two-thirds of the expenses would be incurred by transportation to the Council Bluffs. In addition to this view of the subject, it is proper to state that arrangements had been made to transport a considerable portion of the supplies between Council Bluffs and the Mandan villages, by the public boats attached to the expedition, and which are now at the former place; which, probably, would have diminished the expense of transportation from Council Bluffs to the Mandan villages to \$20,000; which, subtracted from \$100,000, the sum estimated for the whole expense of the transportation on the Missouri would leave \$80,000 as the expense of transportation to the Council Bluffs. This view would require \$480,000 to be appropriated for the quartermaster's department, instead of \$450,000, with which the blank is filled. It may be proper to observe that the appropriations for the quartermaster's department for 1816, 1817, 1818, and 1819, amounted to \$350,000, \$460,000, \$460,000, and \$540,000, respectively; and that since 1818, the expense of the transportation of officers' baggage, and the transportation of provisions, under the new system of supplying the rations of the army, which increases the quartermaster's expenses upwards of \$130,000, have been added to the expense of that department. The former of those items previous to this year had been charged to contingencies, and the latter to subsistence.

The small amount of the appropriation for clothing and the quartermaster's department, for the year 1816, was owing to the large supply which was left on hand at the termination of the war.

In relation to bounties and premiums, and the expenses of the recruiting service, I enclose two statements from the Adjutant and Inspector General, by which you will perceive what sum would be necessary to fill the establishment as authorized by law, and also that the amount appropriated under those heads will

not probably be sufficient to keep the military establishment at the present number.

I have the honor to be, &c.,

J. C. CALHOUN.

HON. NATHAN SANFORD,

Chairman Committee of Finance, Senate.

ADJT. AND INSPECTOR GEN'S OFFICE,

December 16, 1819.

SIR: Conformably to your order I have the honor to submit the following estimate of funds for the recruiting service for the year 1820.

For 5,000 recruits, bounties \$12 to each recruit	-	-	-	\$60,000
For 5,000 recruits, premium \$2 to each recruit	-	-	-	10,000
Quarters, fuel, bunks, straw, citizen surgeons for examining recruits and attending the sick, fees of magistrates for qualifying recruits, stationery, &c., including all expenditures for recruits, until organized for joining regiments, or corps, \$22 73½ per man	-	-	-	113,925
				<u>\$183,925</u>

I get these contingencies of the recruiting service by apportioning the whole expenditures of the last year for that service, as estimated by the Second Auditor and Quartermaster General, among the recruits made in that year; and I estimate for 5,000 men on the following data, viz: That the army aggregate, at the close of the present year, will be 9,000; that to complete the full organization would require 3,300 recruits; to which I add, to supply the places of those whose term of service will expire in the next year, 300, (no enlistments were made in 1816, after the 10th of February,) and to meet the casualties of service by death, disability, and desertion, 1,400. The desertions in the present year would warrant a much greater estimate on that account; but I have the honor to lay before you a particular report on that subject, and hope that measures may be devised to render desertion less frequent. To this statement I will only add, that the process of the recruiting service has heretofore been such, that, with ordinary casualties, the ranks would be as nearly full at this time as the detached service of the army would justify. Several of the regiments in the first six months of this year, for which period only I have yet examined the returns in that particular, lost more than one-tenth of their men by desertion.

I have the honor to be, &c.,

D. PARKER,

Adj. and Inspector General.

THE SECRETARY OF WAR.

ADJT. AND INSPECTOR GEN'S OFFICE,

March 11, 1820.

SIR: It appears by the newspapers that the House of Representatives voted only \$21,000 for bounties and premiums on account of the recruiting service for the year. This sum will only enlist 1,500 men—less than the number actually lost by desertion during the last year. In the three last years, more than 12,000 men have been enlisted; and still the aggregate of the army, at the close of the last year, did not exceed 9,000 men.

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It is true that only 300 men are entitled to discharge by the expiration of their term; still, if the desertions and other casualties should be as great as in former years, the army will not exceed 8,000 men at the close of the year, including the recruits which may be obtained with \$21,000 voted for that purpose.

I have the honor to be, &c.,

D. PARKER,

Adj. and Inspector General.

The SECRETARY OF WAR.

WEDNESDAY March 29.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate, in pursuance of their resolution of the 1st of February, a report from the Secretary of State, with the information required by that resolution.

JAMES MONROE.

WASHINGTON, 23d March, 1820.

The Message and report were read.

Mr. SANFORD presented the petition of Herbert Grant, praying the allowance of certain drawback, as stated in the petition; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON asked and obtained leave to bring in a bill for the relief of paymasters of the United States Army; and the bill was read, and passed to the second reading.

The three bills brought up yesterday for concurrence, were read, and severally passed to the second reading.

The bill authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers; the bill for the relief of Matthew McNair; the bill explanatory of the "act authorizing the sale of certain grounds belonging to the United States in the City of Washington;" and also the bill for the relief of Thomas Leiper, were severally read the second time.

The Senate resumed the consideration of the motion of the 27th instant, for instructing the Committee on Indian Affairs to inquire into the expediency of making an appropriation for holding a treaty with certain Indians, and the same having been modified, was agreed to, as follows:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation for holding a treaty with the Choctaw Indians, for the purpose of extinguishing their claim to a portion of their lands lying within the State of Mississippi.

The Senate resumed the consideration of the report of the Committee on Finance, upon the petition of William C. Kausler; and, on motion by Mr. WALKER, of Georgia, it was ordered to lie on the table.

DISTRICT OF COLUMBIA.

Mr. JOHNSON, of Kentucky, submitted the following resolution for consideration:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency

of allowing to the said District a Delegate to Congress, upon a footing with the Delegates from the several Territorial governments.

Mr. J. remarked that, while he was a member of the other House, he saw the necessity, and introduced a resolution which had for its object the representation of the people of the distant Territory of Michigan, by admitting them to send a delegate to Congress. The law which originated from that resolution, admitting a delegate to Congress, had produced the most salutary consequences, in relieving Congress from its attention to local detail, without any correct data, and in a vindication of the rights of that Territorial government by its immediate representative. He said a long attention to the same subject had convinced him of the equal necessity of allowing to the District of Columbia a delegate, upon a footing with the Territorial governments.

The position of Congress in the midst of this people, does not furnish us with corresponding means of correct information; nor had he ever discovered less necessity for an appeal to a delegate for the legislation of this District than a distant territory; for, when any subject was brought before Congress, the citizens who felt most interested in the measure would make their communication, and always present a diversity of opinions, which at once produced a difficulty, which would not exist if the population had a right to elect a delegate to attend to their interest: and, as it respects the population of the District, disfranchised from the great and essential principles of self-government by the Federal Constitution, they are entitled to this consideration. It is our duty, said Mr. J., to give them all we can, consistently with the conditions and terms of the Constitution. As it respects the Congress, we well know that the burden of detail and local matter, in legislation, not only protracts our sessions, but draws the mind from the investigation of more important national objects. The District of Columbia, although ten miles square, has a growing population, now amounting to upwards of thirty thousand souls, and Congress is vested with the power of exclusive legislation, and that power embraces all the objects of a judicial, executive, and legislative department. It is a complete political corporation, and requires much time to mature systems, and pass laws for the purposes of promoting their prosperity and happiness.

He hoped that there would be no objection to the inquiry.

The resolution was read and ordered lie on the table.

SAVANNAH SUFFERERS.

The Senate, on the motion of Mr. ELLIOT, resumed the consideration of the bill to remit the duties on certain goods consumed by the late fire at Savannah.

Mr. ELLIOT said, that the bill on the table was reported for the relief of certain petitioners, sufferers by the late conflagration at Savannah, in Georgia. The relief which it proposed to afford to them was not incompatible, he said, with the

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object of the power to lay and collect duties, and would, he trusted, be sanctioned by this honorable Senate. I will submit a few remarks, said Mr. E., in support of this position. The wealth of every nation consists in its productive labor, and it is the duty of Government to afford suitable protection and encouragement to such labor. But, if articles of foreign growth and manufacture were to be admitted into our markets without restriction, the competition would be ruinous to our domestic establishments. Labor being cheaper in older nations, where the population is necessarily more compact, would give advantages in such a competition to the foreign fabric, which the domestic article could not resist; and, retiring from the unequal contest, the whole consumption of the country would be engrossed by the productions of labor.

To prevent such a state of things, said Mr. E., Congress is empowered to lay and collect duties. This seems to be a power necessarily resulting from the duty of protection, which every Government owes to its people; and Congress, in the exercise of this power, have enacted laws imposing certain duties on all foreign articles imported for consumption. I say for consumption, for if the goods enter not into the consumption of the country, the domestic labor is not affected by the importation. Hence, the reason of the laws allowing drawbacks; goods imported and reshipped, because they are not consumed in the country, are entitled to drawback. It is evident, then, that it is the sale of the foreign goods in the home market, and not their importation, that gives an equitable right to the duty. But the goods, the importation of which gave rise to the duties sought to be remitted by this bill, have never been sold in the market; they have never come in competition with the productive labor of the country; they were consumed by fire, and are as completely out of the market as though they had never been imported, or having been, were reshipped. Under these circumstances, can it be unreasonable to afford to these petitioners the relief contemplated by this bill?

Shall he who reships after importation be entitled to drawback because his goods are withdrawn from the competition in the home market; and shall not the unfortunate man be relieved from the exactions of Government, whose goods are not only withdrawn from this competition, but are lost to him forever by an act of Providence, equally beyond his foresight and control? Will you suffer the reshipper to send from the country his whole stock, unimpaired by the exaction of the customary duty on importation, because he has not sold his goods in the home market? And will you permit your custom-house officer to expose to sale, for the debt they owe you, the naked lots of these unfortunate petitioners, now covered with the ashes of the very goods for the importation of which you hold their bonds? Let it not be said the revenue would be too much impaired by a remission of the duties in such cases. The Government can never profit by scrupulous exactions of this kind, against the reason of law and the generous sensibilities of

a sympathizing community. But I deny, said Mr. E., the correctness of the position that the revenue will be impaired by a remission of the duties in cases where the goods have been actually destroyed. Importations are limited by the capacity for consumption, for this constitutes the demand. But the demand can only be affected by the use of the articles imported. Their destruction leaves the capacity for consumption, consequently the demand, uninfluenced by the importation. Other goods, then, will be imported in the place of those destroyed, and the revenue from this source will always be in proportion to the consumption of the dutied articles.

The object of the power to lay and collect duties, is unquestionably the protection of domestic labor; foreign articles can only affect this labor by entering into the home consumption; all articles, then, which are withdrawn from the market, either voluntarily or by accident, come not within the reason of the power, and ought not to be subject to its regulations.

But, is it objected that there are no precedents to authorize the remission of these duties? Examine the statute book, sir, and you will find laws, under dates of the 9th of May and 7th of June, 1794, and of the 3d of March, 1801, authorizing the remission of the duties on eleven hogsheads of coffee destroyed by fire at Baltimore; on certain spirits lost in Vermont; and on a quantity of teas consumed by fire at Providence, Rhode Island. In addition to these, the duties charged on a cargo of salt lost in the port of Annapolis, by a flood, were remitted by a law passed the 4th of August, 1790. Several other laws, sir, having for their object the remission of duties in cases where the imported articles had been destroyed, were adverted to by my honorable colleague a few days since, in his eloquent argument on the motion for recommitment.

If precedents, then, are to decide this case, these are amply sufficient for that purpose. But, sir, if there were no precedents, would not this honorable body decide agreeably to the reason and justice of the case? Every question of this nature is so to be examined and thus decided.

May I not hope, sir, after the discussion which this subject has undergone on the motion for recommitment, and the decision of that motion affirmatively, that this bill, which has been reported in conformity with instructions from this honorable body, will meet with a liberal and generous support? Already has the report of your proceedings touching this subject gone to the public. It has no doubt inspired hope, and imparted consolation to the hearts of these unfortunate petitioners. Feeling that they are not disregarded by their Government in the dark hour of misfortune, their palsied energies begin to react; and, by a native elasticity of mind, ever called into action under the pressure of misfortune, by the consciousness of sympathy and support, they are even now sketching out to the eye of hope future schemes of business and of profit. Will you give reality to these consolatory anticipations, by imparting to them form and substance, or will you treat them as vis-

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Missouri Expedition.

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ions of the deluded and forlorn, and by a dash of your pen blot them out forever?

If the view, sir, of this question, which I have thus imperfectly presented to the Senate, be correct, and I do not perceive its fallacy, the prayer of these petitioners addresses itself to the justice, the enlightened judgment, and the magnanimity of Congress. Under such circumstances, I am not permitted to doubt of its eventual success.

The bill was ordered to be engrossed and read a third time—yeas 27.

MISSOURI EXPEDITION.

The House resumed the consideration of the military appropriation bill—the question on increasing the appropriation for the Quartermaster General's department, from \$450,000 to 500,000, being still under consideration.

Mr. TRIMBLE added some remarks to what he said yesterday, and went into sundry details to show that the appropriation proposed would be necessary for the Quartermaster General's department, independently of any regard to the Missouri Expedition; that it would be less than the appropriation for the same service in 1811, when the Army was only between five and six thousand men, and no post more distant than Belle Fontaine; that it would be inadequate to the estimates of the Quartermaster General, whose arrangements had greatly economized the expenses of this branch of the service, and their execution was indispensable to the public interest.

Mr. SMITH was of opinion, that the expedition for which this appropriation was intended, was inexpedient—if encouraged it would in time draw the whole army from the Atlantic States, which the proper defence of the seacoast would not permit, and where the number now was too small, and involve the necessity of increasing it, in which case the amount now in question would be a mere drop. The post contemplated was not for the protection of our frontiers, because it was too far in the interior of the Indian country, by five or six hundred miles; that intermediate posts must be maintained, and as soon as this line was established, settlers would follow them, right or wrong, and form a string of settlements for one thousand eight hundred miles, and involve the country in endless broils with the Indians. Thinking thus, though he entertained the highest respect for the authority under which the expedition was commenced, it was perfectly fair to check it by withholding the appropriation, and thus expressing the sense of the Senate on it, &c.

Mr. DANA stated the object of this expedition as far as the Mandan Villages, taken in connexion with the posts up the Mississippi, to be for the protection of our frontier and the advancement of the Northwest fur trade, as well as to prevent that of foreigners from being carried on with the Indians in that quarter, &c., and he read the report of the Secretary of War to Congress, on this subject, to show more fully the objects and utility of the expedition. To effect these objects, only \$20,000 were required, in addition to what would be, without it, necessary, if the expedition remained at the

Council Bluffs. He insisted earnestly on the national advantages in view, and which would accrue from it, if the expedition should be judiciously executed.

Mr. EDWARDS spoke in reply to Mr. SMITH, and, by a reference to the character of the trade carried on formerly by the French with the Indians, to obviate the arguments of Mr. S., and to show, in substance, that forts in the Indian country would have the effect of preventing rather than exciting Indian hostilities—neither would they produce illegal settlements on the Indians lands, as such settlements would be prevented by the very means which it was argued would encourage them, &c.

Mr. WILSON would hesitate, were this a new question; but having been gone into deliberately by the Executive, and as great stress was laid on it and much good expected from it by that branch of the Government, he would not now endeavor to put it down by withholding a small additional sum; they would have time to ascertain its advantages in the course of the year, and either send forward or stop the expedition as prudence might dictate; but he would leave it to them, particularly as no one had yet pronounced the enterprise absolutely improper or unwise; its expediency was doubted only, its impropriety matter of conjecture, and he would suffer it to be fully tried, as it had advanced so far.

Mr. LANMAN advocated the expedition and the policy of employing the army in extending and protecting the valuable fur trade, and in excluding the interference and mischiefs of foreign traders, in promoting an influence and amity with the Indians, and protecting our frontier. It would be much better, he argued, to keep the troops employed in useful enterprise and active service, becoming the nature of their profession, than allow them to remain idly in the large cities on the Atlantic, merely cleaning their arms, and deteriorating every day. He spoke of the great importance of the fur trade, and the immense extent of that which would be opened by this expedition, and which he would not suffer to be usurped by foreign traders, even if it were of less value; that to permit the intrusion of foreign traders within our limits was a violation of the rights and the honor, and endangered the safety, of the country; to shut them out was necessary to the welfare of the frontiers and the interests of the people. That settlements would follow these posts was admitted; but they would spread to the West in spite of all regulations, until they had reached the Pacific. He defended the wisdom of the policy of which this expedition formed a part, the expediency of prosecuting it, and the impropriety of crippling and cramping it by refusing the small sum in question, &c.

Mr. SMITH maintained that, as the laws prohibited settlements on the Indian lands, their violation ought to be permitted or encouraged by a chain of posts for eighteen hundred miles into the Indian country, and spoke to show the defenceless condition of the forts on the seaboard, in which he adduced several facts, and the inexpediency of drawing off into the West troops necessary to man the maritime works. He replied at considerable length

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to Mr. LANMAN, arguing that if rights were to be so rigidly defended, why not at once go against the foreign encroachments south of Columbia, and force justice from Spain, &c.

The question was then taken on concurring in the amendment reported by the Committee on Finance, to increase the appropriation for the Quartermaster General's department, from \$450,000 to \$500,000, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Dana, Eaton, Edwards, Johnson of Kentucky, Johnson of Louisiana, King, of Alabama, Lanman, Leake, Lloyd, Logan, Lowrie, Noble, Otis, Parrott, Pinkney, Roberts, Sanford, Stokes, Thomas, Trimble, Walker of Alabama, Walker of Georgia, Williams, of Tennessee, and Wilson—24.

NAYS—Messrs. Barbour, Brown, Burrill, Dickerson, Elliot, Gaillard, King of New York, Macon, Mellen, Morrill, Palmer, Pleasants, Ruggles, Smith, Taylor, Tichenor, Van Dyke, and Williams of Mississippi—18.

Some discussion took place on other points; after which, the amendments were ordered to be engrossed, and, with the bill, to be read a third time.

The engrossed bill apportioning the representatives from the States of Massachusetts and Maine in the next Congress, was read a third time, passed, and sent to the other House for concurrence.

The Senate then took up, and spent considerable time on, the bill for the better organization of the Treasury Department, (providing for the more prompt recovery of debts due the United States, &c.,) after which the Senate adjourned.

THURSDAY, March 30.

On motion by Mr. BROWN, the Committee on Foreign Relations, to whom was referred the petition of Samuel G. Perkins and others, of Massachusetts, were discharged from the further consideration thereof.

Mr. BROWN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill supplementary to an act, entitled "An act concerning navigation;" and the bill was twice read by unanimous consent.

Mr. SMITH, from the Committee on the Judiciary, in pursuance of instructions, reported a bill to increase the compensation of certain judges of the courts of the United States; and the bill was twice read by unanimous consent.

Mr. SMITH, from the same committee, to whom was referred the bill respecting piracy and other crimes, reported the same with amendments, which were read.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the memorial of the inhabitants of the village of Cahokia, made a report, accompanied by a bill confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village; and the report and bill were read, and the bill passed to the second reading.

Mr. PLEASANTS, from the Committee on Naval Affairs, reported a bill establishing the grade of Rear Admiral in the Naval Service of the United

States; and the bill was read and passed to the second reading.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Richard Smyth, and the bill was read, and passed to the second reading.

The bill regulating the pay of surgeons in the naval service of the United States, and also the bill for the relief of paymasters of the United States army, were severally read the second time.

The bill entitled "An act to amend the act, entitled 'An act to provide for the publication of the Laws of the United States, and for other purposes,'" was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act for the relief of Elizabeth Braden," was read the second time, and referred to the Committee on Military Affairs.

The bill entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," was read the second time, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 29th instant, for instructing the Committee on the District of Columbia to inquire into the expediency of allowing to the said District a delegate to Congress; and, on motion by Mr. LOGAN, it was laid on the table.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the petition of Harriet Shackerly, Sarah Shackerly, and Mary Shackerly, children of Peter Shackerly; and, on motion by Mr. OTIS, it was laid on the table.

The bill from the other House, making appropriations for the military service for the year 1820, was read the third time, as amended, passed, and sent to the House of Representatives for concurrence in the amendments.

The engrossed bill for the relief of certain sufferers at Savannah, was also read the third time, passed, and sent to the other House for concurrence.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress a general abstract of the Militia of the United States, in pursuance of the act of March 2, 1803.

JAMES MONROE.

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The Message and abstract were read.

The Senate resumed the consideration of the bill providing for the more prompt recovery of debts due by defaulters, &c., to the United States, (for the appointment of a Treasury Solicitor, giving summary process, &c.)

Much discussion took place on the details of this bill, in which Messrs. VAN DYKE, TICHENOR, WALKER, of Georgia, PINKNEY, JOHNSON, of Kentucky, BARBOUR, LANMAN, and MELLEN, engaged; in the course of which the clause authorizing the appointment of a Solicitor for the Treasury was stricken out, and his duties confided to such officer

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of the Treasury as the President of the United States may appoint.

Before the Senate had got through the bill, it was postponed until to-morrow.

DAY OF ADJOURNMENT.

The Senate resumed the consideration of the resolution offered some days ago by Mr. OTIS, that the present session of Congress be adjourned on the 17th of April.

Mr. DICKERSON moved to postpone the resolution until Thursday next; which, after some debate on the question of so early an adjournment, on the nature, the quantity, and importance of business proper to be acted on, and on the propriety of at this time deciding on the period of adjournment, was negatived, by yeas and nays—yeas 17, nays 21.

Mr. LOWRIE moved to strike out the 17th, and insert the 24th, as the day proposed for the adjournment; which was decided in the affirmative, by yeas and nays—22 to 17.

Considerable debate took place on these several motions, and on the resolution itself, in which MESSRS. KING, of Alabama, DICKERSON, BARBOUR, RUGGLES, OTIS, MORRIL, and DANA entered.

The resolution, as amended, was finally agreed to, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Elliot, King of Alabama, King of New York, Lanman, Logan, Macon, Mellen, Morrill, Noble, Palmer, Pinkney, Pleasants, Roberts, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—21.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Gaillard, Hunter, Johnson of Louisiana, Leake, Lowrie, Otis, Parrott, Ruggles, Sanford, Smith, Tichenor, Trimble, Van Dyke, and Wilson—20.

BANKRUPT BILL.

The Senate then, on motion of Mr. BURRILL, resumed the consideration of the bill to establish a uniform system of bankruptcy.

Mr. OTIS observed, that the bill had undergone so material a change in its character, by the principles and provisions which had been added to it by way of amendments, that it had lost much of his friendship. He wished to make an effort to restore it to such a shape as, in his view, would improve its utility, and render it less objectionable; and therefore moved "that the bill be recommitted to the Committee on the Judiciary, with instructions to amend the same, by striking out the proviso in the first section of the bill, [enumerating the classes of mechanics and others, who are excluded from the operation of the bill:] and also with instructions to amend the same, by extending the privileges of the act to persons imprisoned for debt, upon their voluntary application therefor."

After submitting his motion, Mr. O. added a remark or two, to show that the bill, if amended as he proposed, would still be so applied, by construction, as to embrace many classes, and answer, in a great degree, the views of Mr. VAN DYKE, and those gentlemen who had favored his proposition.

Mr. BARBOUR believing, from the indications he had received, that there was little chance of a ma-

jority of the Senate being united in support of any system of bankruptcy at this session, rose to move that this bill be postponed until the next session of Congress. In making this motion, Mr. B. took occasion to disclaim any hostility or want of respect for the mercantile class or the business of commerce, which he not only held in estimation from its intrinsic respectability, but as a great constituent of the national interests, and which, in his part of the country, was held in equal esteem with other vocations. Mr. B. then proceeded to submit, in a speech of considerable length, his reasons for standing in opposition to a general system of bankruptcy; its conferring privileges on particular classes; its pernicious tendency to generate fraud; the unfavorableness of all the experience of England on the subject; the evils which he apprehended from its operation on society, and which he was particular in endeavoring to show, &c.

The question being taken on Mr. BARBOUR's motion to postpone the bill until the next session of Congress, was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Eaton, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Smith, Taylor, Walker of Alabama, Walker of Georgia, Williams of Tennessee, and Wilson—19.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Edwards, Elliot, Gaillard, Hunter, King of New York, Lanman, Lowrie, Mellen, Otis, Parrott, Pinkney, Roberts, Sanford, Stokes, Tichenor, Trimble, Van Dyke, and Williams of Mississippi—22.

The question recurring on the proposition offered by Mr. OTIS to recommit the bill, Mr. VAN DYKE offered succinctly the reasons which, in his view, were opposed to the motion, and which justified the bill as it stood.

Mr. BURRILL advocated the recommitment, particularly from a desire to discard that feature which applies the act to all classes of debtors to a certain amount, by their voluntary consent.

Mr. KING, of New York, maintaining the opinion that Congress had no power to enact an insolvent law, though it had the power, emphatically given, to pass a bankrupt law, was rather in favor of a course that would try specific questions on these principles, instead of recommitment. If the Senate should finally insist on stretching the powers of the Government, to the enactment of the principle adopted on the motion of Mr. VAN DYKE, anxious as he was for a bankrupt law of some kind, and of almost any kind within the limits of the Constitution—for defects might be remedied hereafter according to experience—he should be constrained to vote against the bill. Mr. K. argued his opinions at some length.

Mr. OTIS defended the course he had proposed, as the only mode of getting at his object, inasmuch as the amendments having been agreed to could not now be reached by any specific and direct motion in the Senate; and he also explained more at large his views of the principles in question, concurring with Mr. KING so far as to doubt whether an insolvent act, which Mr. VAN DYKE's amendment would amount to, was in the contemplation

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of the framers of the Constitution. He argued against this principle also from its practical operation upon the business and affairs of society.

The question was then taken on the motion to recommit the bill, and was negatived without a division.

Mr. DICKERSON moved to strike out the proviso in the first section, excepting various mechanical classes, &c., from the operation of the bill, conceiving it no longer necessary, if the feature introduced by Mr. VAN DYKE were retained.

This motion was negatived—yeas 9, nays 28.

Mr. MELLEN moved to strike out the 60th section of the bill, which is, in substance, as follows:

"SEC. 60. That this act shall not repeal or annul the laws of any State now in force, or which may be hereafter enacted for the relief of insolvent debtors, except so far as the same may respect persons who are, or may be clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sums therein mentioned. And if any person within the purview of this act shall be imprisoned for the space of three months for any debt, or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under such laws for the relief of insolvent debtors, this act notwithstanding."

This motion was negatived by a large majority; and, no other motion being made, the question was taken on ordering the bill, as amended, to be engrossed and read a third time, and was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Elliot, Gaillard, Hunter, Lanman, Mellen, Parrott, Pinkney, Roberts, Sanford, Stokes, Tichenor, and Van Dyke—15.

NAYS—Messrs. Barbour, Brown, Eaton, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Leake, Lowrie, Macon, Morrill, Otis, Palmer, Pleasants, Ruggles, Smith, Taylor, Trimble, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee, and Wilson—23.

So the bill was rejected.

FRIDAY, March 31.

Mr. JOHNSON, of Louisiana, gave notice that, at the next sitting of the Senate, he should ask leave to bring in a bill to appropriate a room in the custom-house now erecting in the city of New Orleans, to the use of the district court of the United States for the State of Louisiana.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States," with an amendment, in which they request the concurrence of the Senate.

The bill authorizing the building of a certain number of small vessels of war; the bill establishing the grade of Rear Admiral in the Naval Service of the United States; the bill for the relief of Richard Smith; and, also, the bill confirming the proceedings of the inhabitants of the village of

Cahokia, in the State of Illinois, in laying out a town on the commons of the said village, were severally read the second time.

On motion, by Mr. SANFORD, the bill supplementary to the act, entitled "An act for the relief of Benjamin Wells and others," was recommitted to the Committee on Finance.

Mr. TRIMBLE submitted the following motions for consideration:

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a statement of the money annually appropriated and paid, since the Declaration of Independence, for purchasing from the Indians, surveying and selling the public lands, showing as near as may be the quantities of land which have been purchased, the number of acres which have been surveyed, the number sold, and the number which remain unsold, the amount of sales, the amount of forfeitures, the sums paid by purchasers, and the sums due from purchasers, and from receivers in each land district.

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a statement of the money expended in each year since the Declaration of Independence, in holding conferences and making treaties with the Indian tribes; specifying grants and presents, whether in money or goods; annuities paid and now payable to the Indian tribes; the money annually appropriated and paid for the Indian trade, including the sums allowed for salaries and allowances to superintendents, clerks, factors, commissioners, agents, interpreters, and all other persons employed under the authority of the United States in the negotiations and intercourse with the Indian tribes.

PUBLIC DEFAULTERS.

The Senate resumed the consideration of the bill providing summary process for the collection of debts due by defaulters, &c., to the United States.

Much discussion again took place on the provisions of this bill, on the part of Messrs. TICHENOR, OTIS, PINKNEY, BARBOUR, KING of New York, RUGGLES, WALKER of Georgia, and others, in the course of which, a motion was made, by Mr. RUGGLES, to recommit the bill to the Judiciary Committee, with instructions to substitute in the place of the clause now contained in it such provisions as may best facilitate the adjustment of the accounts to which it relates, and the security and speedy recovery of the debts, by the judgment or decree of the ordinary courts of judicature.

This proposition being divided, the question was first taken on the recommitment, and being decided in the negative—yeas 17, nays 19—the remainder of the motion fell of course.

The question then recurred on a motion, previously made by Mr. TICHENOR, to insert a proviso that the summary process should not affect the surety of any officer of the United States who became bound before the passing of this act, but every officer shall give before a certain day, new and sufficient sureties for the performance of the duties required of him; which amendment was agreed to.

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Mr. EATON moved an amendment, intended to make the operation of the act entirely prospective, and not embrace cases of debts incurred prior to the passage of the bill, on the ground that a different course would conflict with the Constitution—which he argued to establish—and that persons accepting offices hereafter would know the conditions which were annexed to them, &c.

This motion was negatived without a count.

Mr. BARBOUR intimating an intention to offer an amendment which would require some time to prepare and digest, the bill was, on his motion, postponed to Monday.

On motion of Mr. DICKERSON, the Message of the President of the United States of the 20th instant, transmitting, in compliance with a resolution of the Senate of the 16th of February last, abstracts of the bonds or other securities given under the laws of the United States by the collectors of the customs, receivers of public moneys for lands, and registers of public lands; paymasters in the army and pursers in the navy who are now in office, or who have heretofore been in office, and whose accounts remain unsettled; together with a statement of such other facts as may tend to show the expediency or in expediency of so far altering the laws respecting such officers, that they may hereafter be appointed for limited periods, subject to removal as heretofore,—was referred to a select committee, composed of Messrs. DICKERSON, BURRILL, LANMAN, DANA, and KING of New York.

THE BANKRUPT BILL.

Mr. OTIS rose to move a reconsideration of the vote of yesterday, by which the bankrupt bill was indefinitely postponed. He was induced to make this motion from some encouragement which he had received from gentlemen who had taken an active part in the bill, to hope that principles might be so adjusted and imbodied as to make it acceptable to all the friends of a bankrupt act; and from the willingness which had been manifested, even by those opposed to a bankrupt system, to give it a fair trial. Should they be able to agree, all probably would rejoice in the event; and to give the bill one more chance for its life, he made this motion, with the intention, should it succeed, of moving its recommitment to the Judiciary Committee.

Mr. WALKER, of Georgia, as the Senate was thin, moved to postpone a decision on the motion until Monday, but, at the request of several gentlemen, afterwards withdrew it. He was, however, opposed to the reconsideration. The bill had taken up a great deal of time, and its rejection took place after mature consideration. He thought it unadvisable to revive the question, to go over the discussion again, as it would be a useless consumption of time.

Mr. LANMAN was in favor of the reconsideration, though he knew not how he should finally be induced to vote, if the bill were again brought up. He thought, however, that the cries of the numerous petitioners who had prayed relief ought to be listened to, and seriously considered. The

bill, it seemed, had been thrown out by a sort of sideway operation; and it ought to be fairly decided, according to the opinions of the majority, as to the expediency of granting relief. If a majority thought relief should be provided, that opinion ought to prevail. He was glad the motion was made, and hoped it would be agreed to.

Mr. KING, of New York, thought if there was any possibility, on a revision of the subject, of coming to a favorable conclusion, it ought to be tried. We, said Mr. K., have given to gentlemen on the other side evidence of a willingness to afford relief to one part of the country; and have passed a bill extending a liberal indulgence to the purchasers of the public lands. Even in regard to the large and embarrassing debt due in Alabama, there was a disposition to afford relief. He referred to the extent of the distress which demanded relief from the bankrupt act, and to the manner in which that distress was incurred, to show that it was eminently entitled to the favorable consideration of the Senate. One remark he would add on the subject; it was, that for the three years succeeding the late war, one half of the money arising from importations had gone into the Treasury of the nation; the Government lost nothing; yet it was these very importations that brought ruin on many of those who now solicited the relief of this act.

Mr. VAN DYKE was glad the motion was made. He had no hesitation in saying that, to obtain the bill, he would meet gentlemen on liberal ground, and if he could not obtain all he desired in such a bill, he would take what others he believed would be ready to concede; and be able he hoped to agree on a system which would produce much good, though it might not in every particular be agreeable to all.

Mr. WILSON conceived that no possible good could be produced by a reconsideration of the bill; and would only desire an opportunity of recording his vote on this motion; for which purpose he asked for the yeas and nays.

Mr. KING, of Alabama, was in favor of a bankrupt law, if confined to the trading part of the community. He believed it proper to give them the relief asked for; it was due to them on account of the debts which they owed abroad, and which no other means would relieve them from; and, as foreign debtors could by their bankrupt laws free themselves from debts due to our merchants, justice required that the latter should have the same privilege when misfortunes rendered it desirable. He could not, however, vote for a system similar to that which had been rejected, extending it to all classes. It would be extremely injurious, if not ruinous, to the planters and farmers to be subjected to the operation of such a system.

Mr. SMITH would have no objection to the reconsideration, if any new lights had been shed on the subject since its rejection. But, after all amendment which it could receive, and the most mature consideration and discussion, the decision had been given against the bill, and it was rejected by a decided majority. It was not proper, under these circumstances, to revive it. Public feeling was

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not a good reason for this motion, because public feeling existed equally before. Besides, the Senate had fixed on a day to adjourn, and would be bound by it, if the other House agreed to it. The bankrupt bill had its full portion of the time of the Senate, and other business claimed a share of it. As no new evidence or facts, he repeated, had come to light in support of the bill, he could not consent to take it up again.

The question being taken on the motion for reconsideration, it was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Elliot, Hunter, King of Alabama, King of New York, Lannan, Mellen, Otis, Parrott, Sanford, Stokes, Tichenor, Trimble, Van Dyke, Williams of Mississippi—17.

NAYS—Messrs. Eaton, Gaillard, Johnson of Kentucky, Johnson of Louisiana, Leake, Logan, Lowrie, Macon, Morrill, Palmer, Pleasants, Roberts, Ruggles, Smith, Thomas, Walker of Alabama, Walker of Geo., Williams of Tennessee, Wilson—19.

MONDAY, April 3.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1820," reported the same with amendments, which were read.

Mr. LOWRIE presented the memorial of John W. Mullin and others, silversmiths, of the city of Philadelphia, praying an increase of duty on the importation of wrought silver, jewelry, &c.; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. WALKER, of Alabama, presented the memorial of M. Chapron and others, in behalf of the French emigrants to Alabama engaged in the cultivation of the vine and olive; and the memorial was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the motion of the 31st ultimo, for certain information of the money annually appropriated and paid since the Declaration of Independence, for purchasing from the Indians, surveying, and selling the public lands, &c., and agreed thereto.

The Senate also resumed the consideration of the motion of the same date, for information of money expended in each year since the Declaration of Independence in holding conferences and making treaties with the Indian tribes, &c., and agreed thereto.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States," and concurred therein.

Mr. WILSON presented the memorial of James Leander Cathcart, praying the liquidation, by law, of his claim against the United States for services rendered; and the memorial was read, and referred to the Committee on Foreign Relations.

Mr. OTIS presented the petition of Susannah Stewart, stating that she is the owner of certain certificates, issued by the New England Mississippi

Land Company, which she deposited in the office of the Secretary of State, supposed in conformity with the act of Congress for indemnifying the claimants to lands in the Mississippi Territory, praying the same may be directed to be returned to her, as her claim was rejected; and the petition was read, and referred to the Secretary of State, to consider and report thereon to the Senate.

Mr. JOHNSON, of Louisiana, gave notice that to-morrow he should ask leave to bring in a bill to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana.

Mr. EDWARDS gave notice that, to-morrow, he should ask leave to bring in a bill to establish a land district in the State of Illinois, north of the district of Shawneetown.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef," with amendments, in which they request the concurrence of the Senate. They have also passed a bill, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war,' passed the 18th of March, 1818;" in which they request the concurrence of the Senate.

Mr. JOHNSON, of Louisiana, obtained leave, and agreeably to notice, introduced a bill to appropriate apartments in the new custom-house at New Orleans, to the use of the district court for the State of Louisiana; which bill was read, and passed to a second reading.

Mr. PLEASANTS, from the Committee on Naval Affairs, communicated to the Senate a document, containing a plan (by Lieutenant Ramage, of the Navy) for the defence of the commerce and the protection of the revenue of the United States in the Gulf of Mexico, near the river Mississippi; which was read and ordered to be printed.

The Senate resumed, as in Committee of the Whole, the bill more effectually to provide for the punishment of crimes against the United States, and for other purposes; to revise and embody in one act various penal laws of the United States. The bill, consisting of thirty-three printed folio pages, and embracing a great mass of detail, was read through, and some progress made in the consideration of its provisions.

DISTRICT OF COLUMBIA.

The Senate took up the resolution submitted by Mr. JOHNSON of Kentucky, on the 28th ultimo, to inquire into the expediency of giving to the District of Columbia a Delegate on the floor of Congress.

Mr. JOHNSON added a few remarks to what he had said in support of his motion when first submitted.

Mr. KING, of New York, briefly stated his objection to the motion, founded principally on the opinion that this was an inquiry which it was proper, from motives of delicacy, to leave to the other House, as a Delegate, if authorized, would take his

seat there; that the people of the District had not asked of Congress this privilege; that it had been given to territories only which looked forward to become independent members of the Union, and might sanction or give color to an impression that Congress contemplated a similar result, at some time, in this instance.

Mr. JOHNSON replied, to obviate the objections of Mr. KING, and enforce his reasons in favor of the motion; after which the resolution was agreed to—ayes 15, noes 14.

PUBLIC DEFAULTERS.

The Senate then resumed the consideration of the bill providing summary process for the recovery of debts due by defaulters, &c., to the Government.

According to the intimation given by Mr. BARBOUR when the bill was last under consideration, he offered an amendment thereto in the following words:

And be it further enacted, That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for the same shall give bond and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe. Nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant; and the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

And be it further enacted, That such injunctions may be granted or dissolved by such judge, either in or out of court.

And be it further enacted, That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge, before a judge of the Supreme Court, to whom authority is hereby given either to grant the injunction, or permit an appeal, as the case may be, if in the opinion of such judge of the Supreme Court the equity of the case requires it. And thereupon the same proceedings shall be had upon such injunction in the Circuit Court as are prescribed in the District Court, and subject to the same conditions in all respects whatsoever.

A good deal of debate took place on this amend-

ment, in which MESSRS. BARBOUR, WALKER, of Georgia, BURRILL, WILLIAMS, of Tennessee, OTIS, TICHENOR, MELLEN, LANMAN, EATON, and SMITH, participated.

In the course of the discussion, the amendment was amended, on motion of Mr. BURRILL, by adding a new section, providing that nothing in the act should be construed "to take away or impair any right or remedy which the United States now have by law for the recovery of taxes, debts, or demands."

Mr. BARBOUR's amendment was agreed to—ayes 22.

The bill, as amended, was reported to the Senate, and all the amendments successively concurred in; but the vote on Mr. BARBOUR's amendment was subsequently reconsidered, the amendment ordered to be printed, and the bill postponed until to-morrow.

TUESDAY, April 4.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the memorial of John M. Chapron and others, in behalf of the French emigrants to Alabama, engaged in the cultivation of the vine and olive, reported a bill, supplementary to an act, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" and the bill was read, and passed to the second reading.

Mr. WILLIAMS, from the same committee, to whom was referred the bill granting the right of pre-emption to actual settlers on the public lands, reported the same without amendment.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill further to extend the judicial system of the United States; and, also, the bill, entitled "An act to authorize the Secretary of State to cause the laws of the Michigan Territory to be printed and distributed," reported the same, respectively, without amendment.

Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to regulate the fees of the clerk and marshal of the district court of the United States, for the State of Louisiana; and the bill was read, and passed to the second reading.

Mr. EDWARDS asked and obtained leave to bring in a bill to establish a land district in the State of Illinois, north of the district of Shawneetown, and the bill was read, and passed to the second reading.

The bill to appropriate a room, or rooms, in the custom-house, now erecting in the city of New Orleans, to the use of the district court of the United States, for the State of Louisiana, was read the second time, and referred to the Committee on Finance.

The bill brought up yesterday for concurrence was twice read by unanimous consent, and referred to the Committee on Pensions.

The Senate proceeded to consider the amendments of the House of Representatives, to the bill entitled "An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef," and concurred therein.

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Mr. KING, of New York, from the Committee on Roads and Canals, to whom the subject was referred, reported a bill to authorize the appointment of commissioners to lay out the road and canals therein mentioned, and the bill was read, and passed to the second reading.

GENERAL APPROPRIATION BILL.

The Senate proceeded to the consideration of the amendments reported by the Committee of Finance to the bill making appropriations for the support of Government for the year 1820.

These amendments were principally as follows:

For the purchase of books, maps, and charts, for the Library of Congress, two thousand dollars.

For compensation to the two additional clerks in the office of the Treasurer, during the present year, one thousand two hundred dollars.

For the salary of the clerk of the Attorney General, expunge the words "eight hundred dollars," and insert the words one thousand dollars.

For the payment of balances due to certain collectors of the old internal revenue, fifteen thousand dollars.

For an agent appointed under the fifth article of the Treaty of Ghent, \$4,444 44.

For the purpose of negotiating a treaty or treaties with the Indians in the State of Mississippi, for the extinguishment of their title to lands in that State, twenty thousand dollars.

That amendment proposing to strike out eight hundred and insert one thousand dollars, (the sum originally annexed to the office by the law creating it, and always since given) as the salary to be allowed to the clerk to the Attorney General being reached, some debate arose. The discussion turned on the nature and extent of the duties requiring the assistance of a clerk, and whether such assistance ought to be provided by the Government, rather than on the question, between the two sums named. The amendment was supported by Messrs. SANFORD, DANA, MACON, and RUGGLES; and was opposed by Messrs. SMITH and LOGAN; and was finally adopted—ayes 18, noes 14.

The other amendments were successively agreed to—but not without much investigation and discussion.

Mr. JOHNSON, of Kentucky, made an unsuccessful motion to amend the bill, by inserting an appropriation of five hundred dollars, for the contingent expenses of the Attorney General's office, (for a messenger, &c.)—heretofore for some time allowed, but omitted this year by the House of Representatives.

Mr. ROBERTS moved to add to the appropriation for agencies abroad, for distressed American seamen, the sum of two thousand dollars, with the view of establishing an agency at Hamburg, in addition to those at London and Paris.

Mr. R. followed his motion with some remarks to show the necessity of such an agency in the north of Europe, arising from the great extent of our trade to that quarter of the world, and the number of seamen which were, consequently, from their habits, and other causes, left destitute, unable to get home, and without the means of temporary

subsistence; and arguing that an agency in the north of Europe was more necessary even than one in Paris.

Mr. KING, of Alabama, was opposed to the motion, unless some information were offered to show that the trade to Hamburg was of sufficient magnitude to require the establishment of such an agency there. If it were necessary, he presumed, that it would have been recommended by the proper department. It was, moreover, the duty of our Consuls abroad to take care of destitute seamen, and provide them with the means of returning home.

Mr. KING, of New York, was not aware that it was the duty of Consuls to take care of distressed seamen, when the duty was not specially committed to them; and he doubted if such were the fact. Mr. K. was of opinion that an agency of this kind was more necessary at Hamburg, or some other port in the north of Europe, than one at Paris, or in any other part of the world, except England, and if there were to be but two, he should say they ought to be at London and Hamburg. There was an agency formerly at Amsterdam, but Hamburg was a more convenient and eligible position, as well in relation to the trade to Amsterdam, as to the north of Europe. He was not in favor of removing the agency from Paris, as it was necessary there for various reasons; but if there was to be but two, he repeated, he should say, let them be at London and Hamburg.

Mr. MACON did not conceive that there was at present much necessity for the agency at Paris. There was now such a difference in the ports of France, between the vessels of America and England, in favor of the latter, that we had almost abandoned the trade to that country; and consequently there could remain but little necessity for the agency at Paris for destitute seamen. Whether these duties would be met by corresponding regulations on our part, it was not for the Senate to determine—that must originate elsewhere; but he was willing to remove the agency from Paris to Hamburg.

Mr. KING, of Alabama, was still of the opinion that the Senate could not act understandingly or correctly on this subject without more information than it now possessed in relation to it. This he was confident of, however, that our Consuls abroad were bound to look after seamen, and were allowed a compensation for services of that kind; whether the allowance was sufficient or not, he could not say. If called on to decide between establishing an agency at Paris or Hamburg, he would not hesitate to give it to the latter place, but he was not prepared to create an additional agency without more information than was before him. There were many other places where it might be equally necessary—Trieste, for instance, where our trade was considerable and growing. Our Consuls, he admitted, were often poorly paid; but it arose generally from their not being known, and not being able to obtain consignments from home.

Mr. DANA suggested that it would be better to alter the amendment, so as to provide for an agency at Hamburg, instead of Paris; and Mr.

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ROBERTS, concurring in the suggestion, modified his motion accordingly.

Mr. OTIS opposed this shape of the amendment, as it would produce much confusion and uncertainty. He was in favor of an additional agency; not of abolishing that at Paris.

Mr. ROBERTS, upon consideration, thought it better, perhaps, to leave the appropriation applicable to the three places, at the discretion of the Executive, as the agency was still necessary at Paris for claims, if not for seamen; and modified his motion accordingly.

Mr. KING, of New York, was opposed to a course which would diminish the compensation of the agent at Paris, where there still remained a large amount of claims to be settled on account of spoiliations. That agent was also Consul General for France, and it would be a miserable office, deprived of the salary of agent, as there was no mercantile business to afford it any emolument. That officer also had to attend to the business carried up to Paris from the various ports of France. Mr. K. was equally opposed to reducing the compensation at London. He knew the Consul there, Colonel Aspinwall; he was an officer in the late war—a brave and gallant soldier—and had lost a limb in fighting the battles of his country. That gentleman, Mr. K. had understood from good authority, determining to live within his means, had subsisted his family, in London, on £500 sterling, being all that he could possibly derive from his emoluments as Consul and his salary as agent for seamen. An agency had formerly been considered necessary at Amsterdam, and Mr. Bourne was appointed with a salary of \$2,000; that agency had been discontinued as the trade thither decreased; but Mr. K. was confident that an agency was more necessary at Hamburg now than it had been at Amsterdam, and more so than at any other port on the continent of Europe.

Mr. ROBERTS was not aware, when he offered his amendment, of many facts which had been disclosed; and the information as well as the opinions of Mr. KING were entitled to much consideration. Being persuaded that the amendment was better as first offered, he restored it to its original shape.

Mr. PARROTT was certain that there was no sort of use for an agency for seamen at Paris at all, and could see no necessity for any appropriation for that object. At London there was more utility in an agency than in all Europe besides; various causes produced this, as well as the great extent of trade to England. He argued that there was no more necessity for an agency at Hamburg than at many other places, and he would not consent to appropriate a salary for an agent there unless made general in all the large ports of Europe, which he presumed the Senate was not prepared to agree to.

Mr. MACON added some remarks in favor of the agency at Hamburg, in preference to retaining it at Paris, where, in his opinion, the office was of no utility.

Mr. SMITH concurred with Mr. KING, of Alabama, in believing that it was the duty of our Con-

suls abroad to take care of destitute and distressed seamen. At this time, when all Europe was at peace, it was easy, he thought, for them to perform that small duty. He was averse to making this discrimination in favor of Hamburg, as he saw no good reason for it, and had no information which pointed out its propriety. This duty was not confined to the Consul in London, and was made a special agency there, because of the great number of cases which required attention in England—the difficulty of distinguishing between American and native seamen, &c. Mr. S. was opposed to the tendency which seemed to belong to all Governments to increase the number of offices; because when an office was once created, it was extremely hard to abolish it, no matter how useless it might become. He never knew an officer who agreed that his office was unnecessary. He could not agree to this proposition to establish an office for which there did not appear to him any sufficient reason.

On the subject of this amendment, Mr. BARBOUR read a letter from Mr. PINKNEY, (now in Baltimore,) to the chairman of the Committee of Finance, regretting that he was obliged to be absent, as he had intended to bring forward this proposition himself, conceiving it highly necessary, for the reasons which he adverted to, and urging its adoption.

Mr. WILSON thought this one of those cases in which Congress was not called on to act without a specific recommendation from the Executive department, notwithstanding the opinion of Mr. Pinkney, which was, from his personal observations in the north of Europe, and his information, entitled to much respect. If necessary, however, the Executive would be sensible of the fact, and would no doubt have recommended it. But Mr. W. thought, if this office were necessary, it had better be brought forward in a separate bill, than to retard the general appropriation bill by inserting it there, as a great many persons were actually suffering from the unusual delay which had already taken place, and were anxiously waiting the passage of the bill.

The question being taken on the amendment, the Senate was equally divided—yeas 17, nays 17—the President voting in the affirmative, the amendment was agreed to.

The bill was then reported to the Senate, with the amendments adopted in Committee of the Whole.

The question being stated on concurring with the Committee in Mr. ROBERTS's amendment appropriating \$2,000 for an agency for seamen at Hamburg—

Mr. BARBOUR spoke at some length against the unnecessary multiplication of offices. If this proposition was agreed to, he viewed it as the entering wedge to the creation of others of a similar kind; and they should in time go round the entire circle of foreign intercourse, and establish agencies in all the ports of Europe. If the Consuls could not attend to this business, let the consular system be reformed; but create this office, and others would grow out of it; Governments never receded—like

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the screw, they always advanced—at every movement they went forward.

Mr. DANA mentioned the reduction of the late army, the disbandment of the officers, &c., to show that Governments did sometimes go back, and consent to part with power.

Mr. BARBOUR, in his remarks, had in view civil offices. When the war ceased, a part of the army became unnecessary, and of course it was reduced.

Mr. KING, of New York, again remarked, that if there was a point in Europe besides England where an agency was necessary, it was in the north of Europe. A great number of seamen, Mr. K. said, were left destitute in the ports of that part of the world; this arose from a practice too common with American captains, and was a reproach to the country of dismissing their men in the north of Europe, and employing Swedish or Danish seamen, who were good sailors and cheaper than our own. This practice produced numerous cases of distress, and there was no place perhaps better situated than Hamburg for affording relief and sending those people home. In reply to an observation of Mr. BARBOUR, that Governments never went back, Mr. K. adverted to the repeal of the taxes, &c., to show that the remark was not always true, and that Governments parted with power and abandoned offices sometimes perhaps even with too much alacrity, &c.

Mr. SMITH was of opinion that if this agency was requisite in the north of Europe, the Executive would certainly be aware of it, and would have recommended it to Congress; but this was not the case, and the Senate were without information on the subject. He spoke at some length to show that the cases of distress could not exist on the Continent to the extent asserted, and that, from dissimilarity of language, &c., there would be no difficulty of ascertaining them, by the Consuls; that there was also less liability of imposition, or of their desertion by their captains, &c.

Mr. PARROTT observed that the information of Mr. KING respecting the seamen of the north of Europe, and the practice of American captains, was new to him. He had had much experience in commerce, and many opportunities of observing; but that which had been stated by the gentleman from New York had never come within his knowledge. He was willing to take up the subject of Consuls, and make them a compensation for attending to distressed seamen; but could not consent to make an invidious distinction between the Consul of Hamburg and other ports.

The question was then taken on concurring with the Committee in the amendment, and negatived.

TREATY OF GHENT.

Mr. JOHNSON, of Kentucky, after some introductory remarks to show the propriety of continuing the office of agent of the commissioners under the Treaty of Ghent for running the upper, or Northwest line, (which office of agent, lately filled by Colonel Hawkins, is now vacant, and no indication of an intention on the part of the Executive of filling it) and to show that, by the terms of the treaty, if the salary be not paid to an American

agent, the Government would have to pay half the salary of the British agent, &c.,—moved to insert an appropriation of \$4,444 44, (the salary heretofore given but omitted by the other House, in consequence of the vacancy of the office,) as a salary for the agency referred to.

This proposition was supported by the mover, and by Mr. BARBOUR and Mr. PARROTT, on the ground chiefly, by the latter, that if the business was kept on its present footing, this agent ought to be appointed, though he thought the whole expense of agencies ought to be abolished; that if, as was said, the terms of the treaty required all expenses of agents, &c., be equally borne, devolved on this Government to pay half the salary of the British agents, unless we kept one in service, he would prefer paying the amount to an American citizen rather than to a British officer; that it was as necessary as the agency on the lower line, &c. The amendment was opposed by Messrs. KING, of New York, DICKERSON, KING, of Alabama, SANFORD, DANA, WILSON, and TICHENOR—principally because the upper line was so far completed as to render it unnecessary; that the conditions of the treaty did not make it necessary for the American Government to pay any part of the salary of the British agent, as the expenses to be borne in common related to surveying, &c.; and that this Government was free, as the other was, to employ any number of agents, or none; that the House of Representatives had stricken out the appropriation as unnecessary, for reasons which were doubtless good; that, as the Executive had not filled the vacant office, it was fair to presume that he deemed it unnecessary, &c.

In the course of the discussion, many opinions were expressed on the subject generally, and several facts mentioned, not connected with, or bearing on the immediate question. An opinion was strongly expressed by several gentlemen, that the time and expense already consumed were both much greater than was expected by the public; that the expense was so enormous as even to rouse the attention of the English Government; that a mode of survey of the upper line had been adopted, altogether unaccountable, inasmuch as great pains and much time had been taken in surveying the shores of the lake, &c., to ascertain their exact middle line, which, after it was ascertained, there was no possibility of marking. That there was great difference of opinion as to the true line on the Northeast—the American surveyors making it approach within twenty miles of the St. Lawrence, and a belief that it would, by the conditions of the treaty, reach a point one degree north of Quebec, thus almost cutting off the communication between the British provinces of Canada and New Brunswick. That the difference would have, according to the treaty stipulation, to be referred to the arbitration of a third Power, &c. That the great importance of the line on the Northeast, rendered an agent necessary there, though not on the upper line, &c.

Mr. JOHNSON'S amendment was disagreed to. The amendments were then ordered to be engrossed.

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WEDNESDAY, April 5.

Mr. STOKES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Joseph Timberlake, deputy postmaster at Fredericksburg, in Virginia, made a report, accompanied by a resolution, that it is inexpedient to grant the prayer of the petitioner. The report and resolution were read.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of Elizabeth Braden," reported the same without amendment.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill to change the port of entry for the district of Teche, in the State of Louisiana, reported the same without amendment.

The bill to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana, was read the second time, and referred to the Committee on the Judiciary.

The bill to establish a land district in the State of Illinois, north of the district of Shawneetown, was read the second time, and referred to the Committee on Public Lands.

The bill supplementary to an act, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," was read the second time.

Mr. KING, of New York, presented the memorial of Nathaniel Cutting, praying a further allowance of compensation as Secretary of Legation to the Barbary Powers; and the memorial was read, and referred to the Committee of Claims.

Mr. LEAKE, from the Committee on Indian Affairs, who were "instructed to inquire into the expediency of providing for the abolition of the system of Indian trade established by the law of the 2d of March, 1811, which has been continued in force until the 3d of March, 1821, and for the disposition of the goods and property of the United States; and for the payment of the proceeds thereof, and of the funds vested in this trade into the Treasury," made a report, accompanied by the following resolution:

Resolved, That it is inexpedient to abolish the present system of Indian trade, as it is now established by law.

The report and resolution were read.

Mr. LEAKE, from the same committee, to whom was referred the Message of the President of the United States of the 17th ultimo, on the subject of an appropriation for holding a treaty with the Creek and Cherokee Indians, made a report, which was read.

The bill for the relief of the heirs of Tench Francis was considered, and ordered to be engrossed for a third reading.

Mr. SMITH, from the Judiciary Committee, to whom the claim of John H. Piatt had been referred, made a detailed report of the facts of the case.

The bill from the other House, making appropriations for the centre building of the Capitol, was taken up in Committee of the Whole, and

being amended by inserting an appropriation of two thousand four hundred dollars for alterations in the Senate Chamber, was ordered to a third reading; subsequently read a third time, passed, and returned to the other House.

The civil appropriation bill was also read a third time, as amended, passed, and sent to the House of Representatives for concurrence in the amendments.

The Senate took up the bill more effectually to provide for the punishment of certain crimes against the United States, (consolidating the penal acts of the the Union;) when, on motion of Mr. WILSON, made on the ground that there was not at this session time enough to spare for properly considering the numerous provisions of this long bill, it was postponed to a day beyond the session, without objection.

PUBLIC DEFAULTERS.

The Senate then resumed the consideration of the bill for the better organization of the Treasury Department, (providing summary process for the recovery of debts due by defaulters, &c.)—Mr. BARBOUR's amendment, heretofore stated at large, being still under consideration.

Considerable discussion of this amendment again took place; and the proposition was finally agreed to.

The bill was ultimately ordered to be engrossed and read a third time, by the following vote:

YEAS—Messrs. Barbour, Burrill, Dickerson, Elliot, Gaillard, King of New York, Leake, Logan, Lowrie, Macon, Morrill, Noble, Palmer, Parrott, Pleasants, Roberts, Sanford, Smith, Stokes, Taylor, Thomas, Tichenor, Trimble, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee, and Wilson—28.

NAYS—Messrs. Dana, Eaton, Edwards, Hunter, Lanman, Mellen, Otis, and Ruggles—8.

THURSDAY, April 6.

On motion by Mr. WILLIAMS, of Tennessee, the Committee on Military Affairs, who were instructed to inquire into the expediency of passing a law for the liquidation of the accounts of Colonel William Duane, and for allowing him a compensation for his services and expenses in the publication of his military works, under the direction and patronage of the War Department, were discharged from the further consideration of the subject, and the documents in relation thereto were transmitted to the Secretary of War.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Matthew Lyon, made a report, accompanied by a bill for the relief of Matthew Lyon, and the report and bill were read, and the bill passed to the second reading.

Mr. HUNTER, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill to incorporate the General Convention of the Baptist denomination in the District of Columbia, for evangelical and literary purposes, and the bill was read, and passed to the second reading.

Mr. DICKERSON asked and obtained leave to

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bring in a bill to continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and, also, to make further provision for punishing the crime of piracy; and the bill was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

On motion by Mr. NOBLE, the Committee on Pensions, to whom was referred the petition of John Dougherty, and also the petition of James Hayes, were discharged from the further consideration thereof respectively, and the petitioners had leave to withdraw their papers; and they were discharged from the further consideration of the petition of George Waters, the petitioner having obtained his pension.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill to appropriate a room or rooms in the custom-house, now erecting in the city of New Orleans, to the use of the district court of the United States for the State of Louisiana, reported the same without amendment.

On motion by Mr. WILSON, Cornelius Schoonmaker and Peter Marius Groen had leave to withdraw their petition and papers.

The bill to authorize the appointment of commissioners to lay out the road and canals therein mentioned, was read the second time.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of George Love, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report and resolution were read.

A message from the House of Representatives informed the Senate that the House concur in the first, second, third, sixth, and seventh, of the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1820." They disagree to the fourth, fifth, and eighth, of the said amendments. They disagree to the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the military service of the United States for the year 1820." They have passed the bill which originated in the Senate, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine," with amendments, in which they request the concurrence of the Senate.

The report of the Committee on the Post Office, unfavorable to the petition of Joseph Timberlake, was taken up and agreed to.

Mr. MORRIL submitted a resolution directing an inquiry into the expediency of an earlier meeting of the next session of Congress than the day fixed by the Constitution.

The engrossed bill providing for the better organization of the Treasury Department was read the third time, and the blanks therein filled.

After some further debate, in which Mr. BARBOUR and Mr. EATON principally engaged—

The question was taken on the passage of the bill, and, on a division, the vote was—For the bill, 19; against it, 9.

So the bill was passed and sent to the House of Representatives for concurrence.

The engrossed bill for the relief of Tench

Francis was read the third time, passed, and sent to the other House for concurrence.

The Senate then resumed the consideration of the bill to establish an additional circuit court, to comprise the States of Tennessee and Alabama.

On motion by Mr. WILLIAMS, of Tennessee, for the reasons heretofore stated, the bill was so amended as to embrace Tennessee alone, (leaving to Alabama a district court at present, but with an understanding that hereafter, when the immense mass of litigation in Tennessee shall have been disposed of, and the business of Alabama require it, this court will be extended to the latter State.)

Thus amended, the bill was ordered to be engrossed for a third reading.

WEST INDIA TRADE.

The Senate then proceeded to the consideration of the bill supplementary to the "act concerning navigation," (reported by the Committee on Foreign Relations on the 30th ult. in pursuance of the resolution adopted on the 14th ult. on the motion of Mr. KING, of New York.) The bill is as follows:

Be it enacted, &c., That, from and after the — day —, all and every of the provisions and regulations of the act of Congress passed on the 18th day of April, 1818, entitled "An act concerning navigation," be, and the same are hereby extended and made applicable to the islands of Cape Breton, St. John's, Newfoundland, and their dependencies, to the Bermuda Islands, the Bahama Islands, the islands called Caicos, and to all other colonies, plantations, islands, and possessions, belonging to or under the dominion of Great Britain, in the West Indies, on the continent of America, south of the 20th degree of north latitude; and all and each of the enactments and provisions of said act shall be construed as extending to, and as applying to, all and every of the possessions, colonies, places, and islands, above mentioned.

SEC. 2. *And be it further enacted,* That, from and after the — day of —, no goods, wares, or merchandise, shall be imported into the United States of America from the province of Nova Scotia, the province of New Brunswick, the islands of Cape Breton, St. John's, Newfoundland, or their respective dependencies, from the Bermuda Islands, the Bahama Islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island, or place, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the 20th degree of north latitude, except only such goods, wares, and merchandise, as are truly and wholly of the growth, produce, or manufacture, of the province, colony, plantation, island, possession, or place, aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandise, shall be directly imported into the United States; and all goods, wares, and merchandise, imported, or attempted to be imported, into the United States of America, contrary to the provisions of this act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to the United States.

SEC. 3. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, and may be remitted or mitigated in the manner and according to the provisions of the revenue laws of the United States.

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Mr. BROWN, chairman of the Committee on Foreign Relations, submitted to the Senate the views of the committee in reporting the bill, and the considerations generally which, in his opinion, required its enactment.

MESSRS. KING of New York, MACON, BARBOUR, OTIS, and PARROTT, respectively offered their reasons in favor of the bill. The last named gentleman was friendly to the object of the bill, but thinking that it does not go far enough, and to obtain time further to examine its provisions, moved its postponement until to-morrow.

Mr. JAMES BARBOUR, of Virginia, said: I owe to the Senate an apology for presenting myself in a discussion commenced and carried on at a time when I was unavoidably absent. I offer it with a view to the forgiveness of the Senate, if I should unknowingly repeat arguments already used. The importance of the subject, and the particular agency I had in presenting the law of 1818, will not permit me to be silent. I will not now repeat the remarks then used. Many of my hearers were then present. The facts and arguments then employed have also been placed before the public. It is sufficient to say, that the course then pursued, in conformity to the strong recommendation of the three preceding Presidents, was a part of that settled policy by which this country will in future be invariably governed, namely, equality and reciprocity among all nations. When the law of 1818 was under discussion, its expediency was enforced by a full exposure of all the facts which could throw light upon the subject; and which but too palpably displayed the injurious consequences to the great interest of the United States, resulting from the selfish policy of Great Britain, to counteract which was the object of that law. A policy by which she monopolized to herself the exclusive navigation between her islands and the United States; an inequality to which no nation could any longer submit. We had also before us the repeated unsuccessful attempts at negotiation between the two Governments. This correspondence evinced a settled purpose on the part of Great Britain not to yield the advantages of this monopoly, so long as she could enjoy it, without some stronger measure on the part of the United States than entreaty or complaint. The question which forcibly addressed itself to us was, shall we fold our arms together and patiently submit to a measure as injurious as it was unequal; aggravated, too, by its invidiousness, for its operation is exclusively confined to the United States. The unanimity that prevailed in the Senate, as to the propriety of efficient measures of retaliation, was almost without a parallel—only two dissenting voices appearing against the passage of the law, and they objecting to the mode, and not to the principle. I beg leave, most emphatically, to recall to the recollection of the Senate a view then taken by the advocates of the bill. It was, that whatever might be the opinion of the Senate as to the injurious consequences of the measures of Great Britain, or however it might excite their feelings, that, before they commenced a system of retaliation, they should weigh well the probable

results, and resort to it only after having determined to persevere till the object should be effected, whatever might be the sacrifice that attended it. That, were they to commence, and, upon the first remonstrance from some insulated interest, to recede, they would forever bar the door against the hope of remedy, and subject themselves and their country to deserved reproach. That a character for consistency, firmness, and perseverance, independently of its intrinsic worth, was of vast importance in our intercourse with the nations of the earth, and should never be abandoned except in an extremity so great as to cancel the ordinary rules of action. The decision in both branches, after this solemn appeal, was almost unanimous. To that unanimity we looked for the success of our measure. The nation was equally unanimous, for the voice of disapprobation was not heard. Should we now recede, after the solemn pledge thus given, I may say by the nation, in two short years, with what confidence could we calculate hereafter on any measure of a similar character? It would not only be fatal to our views upon this particular subject, but upon all others, whose success depended on constancy. It would be a reproach to republican government itself. Sir, we agreed not only to adhere to a measure commenced under the favorable auspices of universal consent, but to pursue it in every form and to any extremity that its success made necessary; and, particularly, to repel, by new regulations, any attempt on the part of our adversary to elude our retaliatory measure. Will an American Senate be the first to become recreant? What do you attempt? Equality and justice. What your adversary? Monopoly. Shall we have less constancy in contending for our rights than our rival for what is not right, because unequal? Your measures have been neutralized, in part, by the regulations of Great Britain. The bill now proposed will guard us against the effect of these regulations. Our interest, our honor, require that we should advance. Sir, I have on frequent occasions declared my sentiments upon the policy that it became the United States to adopt in its intercourse with all nations. It should be simple and uniform, applicable alike to great and small, powerful and weak; it is expressed in one word—equality. Hence, on all occasions I have given my feeble support to every treaty and law having this principle for its basis. Take your ground, and proclaim it to the world; present your alternatives—intercourse with equality, or none at all.

Instead of the endless note of a diplomatist, present this laconic one—Are you willing to treat on terms reciprocally equal? Let the answer—yea, or nay—be required; if the former be given, all difficulty is at once obviated; if the latter, close your correspondence, recall your ambassador, and do yourselves justice by your own measures. Can America reconcile it to herself to hold an intercourse with any nation by which her character is to be abused? Although I will not repeat the various arguments employed on a former occasion to show the expediency of the policy we have adopted, yet, with the permission of the Senate, I will

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suggest a few of the considerations that are entitled, in my estimation, to great weight.

This measure, viewed as a detached one, may be exclusively for the benefit of ship-owners; but, when we reflect upon it in its general consequences, it acquires the highest degree of national importance, from its connexion with the prosperity of the Navy. The Navy of the United States, Mr. President, by a series of valorous deeds, conquered the prejudices against it. The last war gave proofs, strong and irresistible, that its growth was indissolubly connected, as well with our defence as glory. All the theories, all the gloomy prophecies of its adversaries, yielded to its victories; and, while disaster or disgrace overwhelmed your armies, glory perched on your naval flag, and filled the earth with its renown. The murmurs of hostility were instantly changed for hosannas of applause, and all united in advocating its increase. Sir, how is that policy to be realized? Not by appropriating millions to the building of ships, but by an active commercial marine. To what do you owe your success in the last war—to the size, the structure, or the superior number of your vessels? No, sir; under Providence, to the hardy, brave, and experienced sailors, voluntarily entering your service. From whence are you to draw your future crews, if you suffer other nations to monopolize that share of maritime transportation to which you are justly entitled? Ships without sailors are built only for enemies. Sailors without navigation cannot exist. Guard, then, with ceaseless vigilance, this nursery of your safety and your fame. Or retrace your policy: sell your ships, before they are taken, to the highest bidder; recall the millions which have been appropriated to the increase of the Navy, but not yet expended; abandon the ocean, where, without a navy, you can appear only to be insulted and oppressed. Is there a voice in or out of Congress in favor of this latter course? Great Britain sacrifices without scruple her commerce to her navigation. She is not scrupulous as to her means; lawful or unlawful, the end must be obtained. Will America tamely surrender, and without a struggle, those means which she lawfully may employ—and to whom? To the very Power against whom prudence and experience teach us to guard!

There is one view of this subject which I am anxious to press on the Senate. We have heard, during the present session, the harsh and discordant sound of disunion; we have been told that there exist separate views, interests, and feelings. A geographical line has been attempted to be set up. What a fine occasion does this present to silence these unhallowed insinuations! The South and the North, the East and the West, uniting in a great measure of policy—particularly, indeed, beneficial to one quarter of the Union, but cheerfully submitted to by the others—in furtherance of a national benefit. We will not permit any occasion of this kind to pass by without disproving these sectional aspersions. We will cheerfully meet the sacrifice, if any should ensue, and find our indemnity in the proud reflection that the interests of the *whole* constitute the popularity of all our

movements. To the Navy I look, sir, as a great bond of union. You may divide territories; you may claim a sectional share in victories by land; but a naval victory is, from its nature, indivisible. We may be told of Bunker's Hill, or Bennington, or Saratoga, on the one hand; on the other, of the Cowpens, or Guilford, or New York, or New Orleans; but a naval victory, broad as the element on which it is achieved, diffuses equal joy and enthusiasm throughout the boundless territories of the Republic.

But this is not all. Look to our extensive coasts; has not nature herself prescribed the policy we should pursue? Every moral consideration ratifies it. In this mighty shield of protection we are to find our safety. Standing armies become useless. That terrible instrument in the hands of power, by which the earth has been enslaved, will be rendered useless here; at best *they* can be used only for defence, while a *navy* asserts our rights or chastises their aggression wherever winds blow and oceans roll.

These are a few of the reasons which may be urged in favor of the policy adopted by the United States, as it connects itself with the interesting question of our power and the duration of our Republican institutions; I will conclude by adding a few of a purely commercial character. It may be urged, perhaps, that the effects will be injurious to our commerce. It is not to be disguised that, though navigation and commerce are generally handmaids, and essential to each other, yet there is sometimes a collision between them. In such a case it behoves a maritime Power to adopt a middle course, so as not to throw the burden exclusively on either. If, therefore, it were true that our commercial interests would be partially affected by this policy, it would by no means prove that the measure would be unwise. But, I ask, how are we to be injuriously affected in our commercial interests? Will it diminish the consumption of our supplies? I answer in the negative. The nature of the supplies is such that the islands must procure them from the United States. They cannot be procured elsewhere. Any assertion to the contrary is idle. We must supply them with provisions and lumber. If it be asked how are they to be procured, the answer is easy. From some neighboring island of another Power (and there are many such) to which we have access, and where the supplies wanting will be carried by American shipping. Or, if not by this route, by the circuitous one of the mother country, as is said by some. Though, for my part, I cannot believe that much will be done in that way, except under peculiar circumstances of a return cargo, whose price of transportation will scarcely exceed the direct voyage. But, be this as it may, it shows clearly that these supplies must be drawn from the United States, either directly or circuitously. If, then, it be true that the quantity of our supplies consumed in the British West India islands is not diminished, the next question which presents itself is, does this policy reduce the price? I again answer no. The increased price of transportation falls on the consumer. Is any man in the nation

ignorant enough to carry to the account of this measure the present reduced prices of some of our staple commodities? If there be, let him be told that they are ascribable to other causes. Take flour, by way of illustration. Some years past the price of that article was excessive; and why? Europe was every where overrun with prodigious armies; her harvests blasted, and her currency depreciated, and hence an extravagant price for breadstuffs. Now these armies are dissipated, the sword has been converted into the ploughshare, their crops have been abundant and adequate to their demands, their currency improved. We have an excess of supplies far beyond the demand, and hence the present reduced price. And I therefore conclude that neither the quantity nor the price of our supplies are affected by this measure, or, if affected at all, too partially to justify us in the surrender of an interest of such vital importance as that whose protection is attempted by the question under consideration.

One other view of this subject, and I have finished. Will Great Britain yield the contest, and do us justice? is a question that may be propounded. To this it may be answered, that we have ascertained that mere entreaty, on our part, without some defensive measure, was ineffectual; that, if she do not yield, we are in no worse condition than before, and, indeed, in a better one; for we have now a share in the transportation, whether it be directed to Great Britain or to a neighboring island. On the other hand, should she consent to a negotiation on equal terms, the wisdom of the policy, it is presumable, will be denied by none. But what are the probabilities? We know, of a truth, that, since the adoption of this measure, she has offered to treat; whereas before, she had refused. It is true that the terms proposed were such as we could not agree to; yet we have a right to anticipate success in a contest by which, should she persevere, she must lose, and cannot gain. With wrong and loss on her side, whatever may be her character for obstinacy, she, like all other nations, has other motives of action, among which interest holds the ascendancy.

That she sacrifices by her perseverance the interest of the islands, is too palpable to require proof or argument. The circuitous transportation of their supplies necessarily enhances the price, taking it for granted that they are furnished by the United States; on a contrary supposition, that her trade will assume a new direction, she loses the American market for her rum—an event ruinous at once to their prosperity—for it is real matter of astonishment, but not less true, that we annually consume of that article, from the British islands alone, from 4,000,000 to 7,000,000 of gallons. It is in this article principally we get our returns; and, if the trade were to be annihilated to-morrow, I know not that it should be matter of regret. If, therefore, Great Britain be not entirely insensible to the sufferings of her colonists, she will be unable to turn a deaf ear to those remonstrances with which she must be assailed. But, if her heart should be hardened, and she should refuse to listen to these just complaints, she will only hasten a

crisis as inevitable as fate, and compel a country which she places out of her protection to seek, under the suggestions of self-preservation, some new modifications of its political relations, calculated to produce those benefits which alone render political associations tolerable. If, however, it be contended that she is deaf to sentiments of this kind, that the sacrifice of her distant possessions for the prosperity of the mother country is her settled policy, and invariably pursued, then I contend that our measure has a direct bearing on her navigation—to touch which is to awaken her, though she slept the sleep of Baal; for it appears, as well by documents on our table as from verbal communications from the heads of departments, whom the Committee of Foreign Relations had before them, with a view to possess themselves of every degree of information within their reach, that, in our direct intercourse with Great Britain, the American shipping is increasing, in a most flattering ratio, since the adoption of this policy—a portion of which increase is fairly to be ascribed to its effects. Formerly, the advantage of British shipping over American arose from the circuitous voyage, (that fruitful source of profit to the shipping interest,) of which the freight from the United States to the West India islands was a most valuable part. This may be illustrated by a single example. A British ship comes directly from her European possessions to her continental colonies, discharges her cargo, takes in plaster or something else, arrives in the United States, commutes it for provisions or lumber, sails thence to the islands, and exchanges the cargo for the productions of the islands, with which it returns home. While the British shipping was thus aided by this circuitous voyage, the American was limited to the direct intercourse alone. The object of our policy is to destroy this inequality, and do justice to our own shipping. The effect already produced is encouraging. It will be the interest of Great Britain to negotiate on equal terms, if we have nerve enough to persevere. The hope of our giving way may induce her to make an experiment of her present system a short time longer. Our success is in our own hands. To yield is to commit our character, and to entail the yoke upon us forever. To persevere is to triumph. Between such alternatives an American Senate cannot hesitate in its choice.

Mr. RUGGLES and Mr. WILSON explained their reasons for being adverse to the bill; and Mr. STOKES and Mr. DANA made each a few incidental remarks.

The bill was then laid over until to-morrow.

FRIDAY, April 7.

The PRESIDENT communicated a letter from Julie Plantou, proposing to sell to Congress an allegorical painting of her own design, and from her own pencil, drawn from the Treaty of Ghent, commemorative of that event; and the letter was read, and referred to the Joint Library Committee.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act in addition to the several acts for the establishment

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and regulation of the Treasury, War, and Navy Departments," reported the same without amendment.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the bill, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,'" passed the eighteenth day of March, 1818; reported the same with an amendment, which was read.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of George Love, and, in concurrence therewith, resolved that the prayer of the petitioner ought not to be granted.

The bill for the relief of Matthew Lyon was read a second time.

The Senate resumed the consideration of the report of the Committee on Indian Affairs, on the present system of Indian trade; and the further consideration thereof was postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of certain sufferers by fire at Savannah, in Georgia," with an amendment, in which they request the concurrence of the Senate.

They have also passed a bill, entitled "An act for the relief of John Steel," in which bill they request the concurrence of the Senate. The said bill was twice read, by unanimous consent, and referred to the Committee on Finance.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine;" and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of certain sufferers by fire at Savannah, in Georgia," and concurred therein.

On motion of Mr. ELLIOT the Senate took up the bill declaring the consent of Congress to an act of the Legislature of Georgia, of the 19th December, 1818.

Mr. ELLIOT briefly explained the objects and utility of the act of Georgia referred to; and the bill was ordered to be engrossed for a third reading.

The Senate took up the motion of Mr. MORRIL to direct an inquiry into the expediency of an earlier meeting of the next session of Congress than the Constitutional day.

Mr. MORRIL made some remarks to show the propriety of an earlier meeting at the next session, as it was obliged to terminate on the third day of March, to allow due time for the transaction of the public business, &c.

The resolution was negatived without a division.

The bill to establish an eighth circuit court, to comprehend the State of Tennessee, was read the third time; and, on motion of Mr. WILLIAMS of Tennessee, after considerable discussion on the

subject, the salary of the additional circuit judge was fixed at \$3,000, by the casting vote of the President, the votes being 14 to 14; and the bill was then passed and sent to the other House for concurrence.

A motion to adjourn over to Monday was rejected, by yeas and nays—ayes 14, noes 24.

NAVIGATION BILL.

The Senate resumed the consideration of the bill supplementary to the "act concerning navigation."

Mr. BROWN stated that, in framing the bill, the Committee of Foreign Relations had conformed it to the instructions of the Senate, as contained in the resolution introduced by Mr. KING, of New York. But it appeared to him that the object of the bill would be more effectually attained, and some trouble saved in perfecting the details of the reported bill, if the existing law were re-enacted, with the additional features which this bill proposed—the present bill being merely an extension of the principle of the act of April, 1818. Mr. B. therefore offered an amendment, which was substantially to re-enact the provisions of the existing act, and to extend it so as to apply to all the ports of the British West Indies, the free ports as well as those which had been closed. This amendment was supported by Mr. KING, of New York, who added a few remarks to what had been submitted by Mr. BROWN, in explanation of the object of the modification, which was chiefly to render the bill less ambiguous or doubtful than it might be in its original shape; and the amendment was adopted without objection.

Mr. PARROT, after a few remarks to show the propriety of his motion, proposed so to amend the bill as to extend its provisions to all ports and places in Upper or Lower Canada; but subsequently changed it so as to apply to Lower Canada only.

The bill was then postponed until Monday.

MISSOURI EXPEDITION.

The Senate next took up the message from the House of Representatives, announcing their disagreement to the amendments of the Senate to the military appropriation bill.

Mr. SANFORD moved that the Senate recede from their first amendment, increasing the appropriation from three hundred thousand to four hundred and thirty thousand dollars for clothing for the Army.

This motion was agreed to without debate or objection, and the Senate receded therefrom accordingly.

The next amendment proposes to add \$50,000 to the appropriation for the Quartermaster General's department, (with the view of enabling the Executive to carry the Missouri Expedition to the Mandan Villages—though \$30,000 of the \$50,000, it is contended, according to the estimates of the War Department, is necessary to maintain the expedition at the Council Bluffs.)

On this amendment Mr. SANFORD moved that the Senate do insist.

Mr. WILSON observed that he had voted for the amendment with hearty good will; but as the House had again expressed their determination not to agree to this appropriation, he thought it would be useless for the Senate to insist on it; it was a ground from which, if now insisted on, the Senate would inevitably be driven. He was in favor of receding at once.

Mr. DANA conceived it no good reason for receding, because it was said the Senate would inevitably be driven from their ground, after giving up one half the points in controversy. Mr. D. supported the expediency of the amendment. The greater part of the appropriation would be necessary if the expedition proceeded no further than the Council Bluffs, where, at least, all agreed that it might remain—so that the appropriation of the House must be increased whether the expedition proceeded any higher than that point or not. Mr. D. thought this a matter on which the Senate had as perfect a right to exercise its opinion as the other branch, and he would not give up that opinion merely because the other House differed from it. He was in favor of a conference, when the views of the other House might be ascertained and have their due weight with the Senate.

Mr. WILSON observed that the House had, by two votes, declared its opposition to this appropriation; and was it probable he asked, after this that they would recede from their settled opinion? If not, was it expedient to enter into a contest with them in a matter in which that branch was very tenacious—the appropriation of money? The majority for it here had been small; and it was interfering in a matter which many concurred was the peculiar prerogative of the other branch; and under all circumstances Mr. W. thought it best to concede.

Mr. BURRILL remarked, that if this was a question whether the establishment up the Missouri should be maintained, it was one on which there should be a conference. But this was a subject on which both Houses nearly agreed—the only difference was a question of \$20,000 more or less, in an appropriation for a particular branch of service, and it was not a question of such great importance as to entitle it to a conference between the two Houses. The subject involved in this question, Mr. B. observed, was one entirely under the Executive direction—the disposition of the army—but in the exercise of which the Executive would, no doubt, be influenced in some degree by the opinions expressed by Congress. He desired that the Senate would consider it merely as a question on \$20,000, as it certainly was, and decide on it; and not deem it of sufficient magnitude to ask a conference of the other House.

Mr. TRIMBLE did not agree that this was merely a question of \$20,000, but one which involved consequences of great importance to the military service. Mr. T. went into a statement of the estimates for the Quartermaster's department, to show this amendment was in part necessary for the public service, leaving out of view the prosecution of the Missouri Expedition above the Council Bluffs. He hoped the Senate would insist on this amendment,

that an intermediate sum might be agreed on between \$450,000 and \$500,000, as an increase of the former sum was absolutely necessary.

Mr. BURRILL added some remarks to show that the appropriation for recruiting the army appeared to be made on the ground, or with a view to the diminution of the army. If this were the effect, the estimates of the Quartermaster General, which were predicated on the existence of a larger force, would be more than adequate for the actual strength of the army, which would probably not exceed six thousand men.

Mr. LOGAN remarked, as this was not a question on now undertaking or authorizing the expedition up the Missouri, but on appropriating a small additional sum for an object which had already, to a great extent, been carried into execution, and which was of great national importance, he was in favor of insisting on the amendment. He was opposed to stopping the expedition at the Bluffs; approving the policy of it, as originally projected by the Executive, he wished the expedition prosecuted to the Mandan Villages, at least. This would cost but little more; and, if not granted, that which had been already expended would be almost thrown away, as the utility of the expedition would be attained but in a small degree.

Mr. KING, of Alabama, did not think this was a question between the Council Bluffs and the Mandan villages—that he thought settled. But the question was, whether the Senate should insist, and thus come to an explanation with the other House, and see if some intermediate sum between \$450,000 and \$500,000 was not necessary to fulfil contracts entered into by the Government, and in part performed by the contractors. The expedition had been sanctioned by Congress in the appropriations of last session, and the Executive had made arrangements and engagements for carrying it into execution, and Congress were bound in good faith to make the appropriations necessary to fulfil these engagements. He was opposed to carrying the expedition further than the Council Bluffs, and had he been here when the appropriation was before Congress at the last session, should probably have been against the expedition altogether. But, having been authorized, he wished all the contracts entered into in consequence thereof, to be performed in good faith by the Government.

Mr. EATON thought Mr. KING mistaken as to contracts to be fulfilled by the Government. Mr. E. remarked that it was admitted, that if the expedition proceeded no further than the Council Bluffs, \$30,000 more than the other House had appropriated, would be necessary for the Quartermaster General's department—it would require but \$20,000 more to carry it as far as the Mandan villages, as contemplated by the War Department. It had been deemed proper by the committee to grant this considerable sum to the Executive, to carry into effect an important political purpose. Mr. E. thought Congress ought to act on the principle, not in immaterial matters to thwart the arrangements intended by the Executive for public good. Whether the object of the Executive would be attained by this expedition, he could not say; but

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he was willing, at so small an additional expense, to afford the opportunity. He hoped the Senate would insist on the amendment.

Mr. DANA observed, that the readiness with which the Senate had receded from one of their amendments, gave abundant evidence that no pertinacity of opinion operated here; and that a refusal to give way on this point was induced by a firm conviction that this amendment was essential to the public good. Mr. D. knew not that a reduction of the Army would be the consequence of the limited appropriation for the recruiting service; but if that was the view in fixing the appropriation, let the Senate come at once to the conclusion that the Army could be cut down by withholding appropriations, and conform their practice to this mode of proceeding.

The question was then taken on insisting on the amendment, and was decided in the affirmative—ayes 21, noes 13.

On motion of Mr. ORIS, a conference was asked of the other House, on the disagreeing vote; and Messrs. SANFORD, OTIS, and DANA, were appointed managers of the conference on the part of the Senate.

The Senate then took up the disagreement of the other House to the amendments of the Senate to the bill making appropriations to the civil list, for the current year—and, on motion, receded therefrom.

DISTRICT JUDGES.

The Senate took up, on motion of Mr. WALKER of Georgia, the bill to increase the salaries of the district judges of the courts of the United States.

Mr. WALKER, of Georgia, rose in support of the expediency of this bill; urging the inadequacy of the compensation now allowed to the judges generally; the correct policy of a fair and liberal compensation to judicial labors; the importance of those labors, &c., in support of an increase of the present salaries.

Mr. KING, of Alabama, moved the indefinite postponement of the bill, as well for the reason that he was at this time opposed to such a measure, as because the remainder of the session was wanted for other and more important business.

A very long debate ensued on the merits of the bill, in which Messrs. WALKER of Georgia, KING, MORRIL, SMITH, MELLEN, LANMAN, and ROBERTS, principally entered. Before taking the question, the Senate adjourned.

SATURDAY, April 8.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Lemuel Bent, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of John Steele," reported the same without amendment.

Mr. WILLIAMS, of Mississippi, from the Com-

mittee on Public Lands, reported a bill to establish additional land offices in the State of Alabama; and the bill was twice read, by unanimous consent.

The bill to incorporate the General Convention of the Baptist denomination, in the District of Columbia, for evangelical and literary purposes, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire; and the same having been amended, it was reported to the House accordingly; and, the amendments being concurred in, the bill was ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House *insist* on their disagreement to the second amendment of the Senate to the bill, entitled "An act making appropriations for the military service of the United States, for the year 1820;" they agree to the conference on the disagreeing votes of the two Houses on said amendment, and have appointed managers at the said conference on their part.

DISTRICT JUDGES.

The Senate resumed the consideration of the bill to increase the compensation of certain district judges of the United States—the motion to postpone the bill indefinitely being still under consideration.

Mr. WALKER, of Georgia, spoke at some length against the motion, and in favor of the bill.

The motion for indefinite postponement was decided in the negative—yeas 10.

A motion to postpone the bill to Wednesday was, after some debate, also negatived—yeas 11.

Mr. EATON then moved to recommit the bill, with instructions to divide the salaries into two classes, according to the extent of duties incident to the different districts, giving to the lowest class \$1,500, and the highest \$2,000; but subsequently withdrew his motion.

The Senate then proceeded to fill the blanks with the sums to be allowed the judges respectively; and, having made some progress,

Mr. TRIMBLE moved to recommit the bill, with instructions to divide the salaries into four classes, the lowest \$1,500, the highest \$2,500—the others intermediate sums.

Mr. EATON moved to amend the motion, by striking out the lowest class.

This motion, and also Mr. TRIMBLE's, were successively negatived, after a good deal of discussion.

The Senate then went on in filling the blanks. In fixing the compensation of the judges in the several States, a great deal of debate took place—almost every member of the Senate entering into the discussion, as the court of each State passed successively in review; the debate turning occasionally on the merits of the bill, as well as on the extent of the business of each particular State; the compensation necessary in various sections, according to the cost of living; the relative amount

which was reasonable and proper; and on the various sums which were proposed and tried in a majority of the cases, on which there was, of course, much difference of opinion. The salary of each judge was increased, more or less, except that of the judge of Louisiana. He now receives three thousand dollars. Mr. JOHNSON, of that State, attempted to get it raised to \$3,500, but failed, as did motions to fix it at intermediate sums; and it was finally left at \$3,000.

Another motion to postpone the bill indefinitely was made near the close of the proceeding, by Mr. LOWRIZ, but failed—yeas 18, nays 20; and the consideration of the bill resulted in filling the blanks as follows:

To the judge of the Maine district, \$1,500.
 To the judge of the district of New Hamp., \$1,500
 To the judge of the district of Massachusetts, \$2,100.
 To the judge of the district of Rhode Island, \$1,500.
 To the judge of the district of Connecticut, \$1,500.
 To the judge of the district of Vermont, \$1,300.
 To the judge of the north district of N. York, \$2,100.
 To the judge of the south district of N. York, \$2,100.
 To the judge of the district of New Jersey, \$1,700.
 To the judge of the east district of Penn., \$2,100.
 To the judge of the west district of Penn., \$1,800.
 To the judge of the district of Delaware, \$1,700.
 To the judge of the district of Maryland, \$2,100.
 To the judge of the east district of Virginia, \$2,100.
 To the judge of the west district of Virginia, \$1,800.
 To the judge of the district of North Carolina, \$2,000.
 To the judge of the district of South Carolina, \$2,300.
 To the judge of the district of Georgia, \$2,300.
 To the judge of the district of Kentucky, \$2,000.
 To the judge of the district of Tennessee, \$2,000.
 To the judge of the district of Ohio, \$1,800.
 To the judge of the district of Louisiana, \$3,000.
 To the judge of the district of Indiana, \$1,500.
 To the judge of the district of Illinois, \$1,500.
 To the judge of the district of Mississippi, \$2,100.
 To the judge of the district of Alabama, \$2,000.

The blank for fixing the commencement of the new salaries was filled with the 30th of June next; and thus, all the blanks having been filled, the Senate adjourned.

MONDAY, April 10.

Mr. BARBOUR submitted the following motions for consideration:

Resolved, That the Federal Government is a Government of limited powers, and can rightfully exercise such only as are expressly given it by the Constitution, or such as are properly incident to an express power, and necessary to its execution:

Resolved, That Congress cannot, constitutionally, pass any law concerning the press; and, therefore, that the Sedition act was a palpable assumption of power, directly at variance as well with the spirit as the letter of the Constitution:

Resolved, That where the people of the United States are endangered in their property, by unconstitutional exercises of authority, and such damage can be fixed with certainty, the sufferers are entitled to indemnity, if it can be done without hazarding the public welfare:

Resolved, therefore, That the amount of fines collected under the Sedition act should be refunded to those from whom they were exacted, and that the bill now

pending before the Senate for the relief of Matthew Lyon be recommitted to the committee which brought it in, with instructions so to amend it as to embrace all such cases.

Mr. BARBOUR introduced these resolutions from a conviction, long entertained, that the principle advanced was correct, and that it was right to make general provision for all cases coming within the purview of the resolutions, instead of legislating for them individually, as they were presented for relief.

The resolutions lie upon the table.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act for the relief of Louis Joseph de Beaulieu;" a bill entitled "An act for the relief of Beck and Harvey;" a bill entitled "An act for the relief of William Coffin, and others;" a bill entitled "An act for the relief of Fielding Jones;" a bill entitled "An act for the relief of Capt. Stanton Sholes;" a bill entitled "An act for the relief of Christopher Miller;" a bill entitled "An act for the relief of Samuel B. Beall;" a bill entitled "An act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district;" a bill entitled "An act for the relief of Martha Flood;" a bill entitled "An act for the relief of James Merrill;" a bill entitled "An act for the relief of Chs. J. Jones and Richard Buckner, administrators of William Jones;" a bill entitled "An act for the relief of John D. Carter;" a bill entitled "An act for the relief of the heirs and representatives of Isaac Melchior, deceased;" a bill entitled "An act for the relief of Joseph M. Skinner, administrator of George Skinner, deceased;" a bill entitled "An act for the relief of John B. Regnier;" a bill entitled "An act for the relief of John Law and Jonathan Elliot, citizens of the city of Washington, in the District of Columbia;" a bill entitled "An act for the relief of Jacob Konkopot, and others, of the nation of Stockbridge Indians, residing in the State of New York;" a bill entitled "An act for the relief of Elkanah Finney and others;" and also a bill entitled "An act for the relief of William Pancost;" in which bills they request the concurrence of the Senate.

The said bills were read, and severally passed to the second reading.

The bill entitled "An act for the relief of Joseph de Beaulieu" was read the second time by unanimous consent, and referred to the Committee on Pensions.

The bill entitled "An act for the relief of Beck and Harvey" was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act for the relief of Wm. Coffin, and others," was read the second time by unanimous consent, and referred to the Committee on Commerce and Manufactures.

The bill entitled "An act for the relief of Fielding Jones" was read the second time by unanimous consent, and referred to the Committee of Claims.

The bill entitled "An act for the relief of Captain Stanton Sholes" was read the second time by

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unanimous consent, and referred to the same committee.

The bill entitled "An act for the relief of Christopher Miller" was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill entitled "An act for the relief of Samuel B. Beall" was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district," was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill entitled "An act for the relief of Martha Flood" was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act for the relief of James Merrill" was read the second time by unanimous consent, and referred to the Committee on Naval Affairs.

The bill entitled "An act for the relief of Chs. S. Jones and Richard Buckner, junior, administrators of William Jones," was read the second time by unanimous consent, and referred to the Committee on Finance.

The bill entitled "An act for the relief of John D. Carter" was read the second time by unanimous consent, and referred to the same committee.

The bill entitled "An act for the relief of the heirs and representatives of Isaac Melchior, deceased," was read the second time by unanimous consent, and referred to the Committee of Claims.

The bill entitled "An act for the relief of Joseph M. Skinner, administrator of George Skinner, deceased," was read the second time by unanimous consent, and referred to the same committee.

The bill entitled "An act for the relief of John B. Regnier" was read the second time by unanimous consent, and referred to the Committee on Public Lands.

The bill entitled "An act for the relief of John Law and Jonathan Elliot, citizens of the city of Washington, in the District of Columbia," was read the second time by unanimous consent, and referred to the Committee on the District of Columbia.

The bill entitled "An act for the relief of William Pancost" was read the second time by unanimous consent, and referred to the same committee.

The bill entitled "An act for the relief of Jacob Konkopot, and others, of the nation of Stockbridge Indians, residing in the State of New York," was read the second time by unanimous consent, and referred to the Committee on Indian Affairs.

The bill entitled "An act for the relief of Elkanah Finney, and others," was read the second time by unanimous consent, and referred to the Committee on Commerce and Manufactures.

On motion by Mr. BROWN, the committee to whom was referred the petition of E. de La Fran-
cia, was discharged from the further considera-

tion thereof, and the petitioner had leave to withdraw his papers.

The bill declaring the consent of Congress to an act of the State of Georgia, passed the 19th day of December, 1818, was read a third time, and passed.

The bill to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire, was read a third time, and passed.

Mr. JOHNSON, of Kentucky, gave notice that to-morrow he should ask leave to bring in a bill relative to the Arkansas Territory.

CHARTER OF WASHINGTON, &c.

On motion of Mr. HORSEY, the Senate took up the bill to renew and amend the charter of the City of Washington, and spent some time in discussing various provisions of the bill, and amendments offered to them. After making some progress, the bill was laid by till to-morrow; and then

The Senate took up the report of the Judiciary Committee on the claim of John H. Piatt, and the bill for his relief. The Senate continued until half past 4 o'clock in a laborious discussion of the various circumstances involved in the consideration of this claim. Finally, the bill was ordered to be engrossed for a third reading—yeas 24, nays 11, as follows:

YEAS—Messrs. Brown, Burrill, Dana, Dickerson, Gaillard Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of New York, Leake, Logan, Noble, Otis, Parrott, Roberts, Ruggles, Sanford, Stokes, Thomas, Trimble, Van Dyke, Williams of Mississippi, and Wilson.

NAYS—Messrs. Eaton, King of Alabama, Lanman, Lloyd, Lowrie, Macon, Pleasants, Smith, Walker of Alabama, Walker of Georgia, and Williams of Tennessee.

TUESDAY, April 11.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the petition of John B. Timberlake, made a report, accompanied by a resolution that the prayer of the petitioner, so far as relates to the two last-named grounds of relief, ought not to be granted. The report and resolution were read.

Mr. PLEASANTS also reported a bill concerning John B. Timberlake, a purser in the Navy; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of John B. Regnier," reported the same without amendment.

The report of the Committee of Claims, unfavorable to the petition of Lemuel Bent, was taken up, and agreed to.

Mr. SANFORD, from the Committee of Conference on the disagreeing vote of the two Houses on the amendment to the military appropriation bill, made a report that the conferees had "met and conferred concerning the same, and that they were unable to come to any agreement thereupon."

The report was read and laid on the table.

Mr. SANFORD, from the Committee of Finance,

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reported a bill to provide for the expense of surveying certain parts of the coast of North Carolina.

Agreeably to notice, Mr. JOHNSON, of Kentucky, having obtained leave, introduced a bill relative to the Arkansas Territory. These bills were severally read.

The engrossed bill for the relief of John H. Piatt, was read the third time, passed, and sent to the other House for concurrence.

The Senate took up the report of the Committee on Indian Affairs, adverse to the expediency of abolishing the system of Indian trade as established by the act of 1811.

Mr. TRIMBLE observed that it had been his intention to oppose this report, and move its recommitment, with instructions to bring in a bill to abolish the present system of Indian trade, and substitute a different system; but, as the session was drawing to a close, and a great deal of information had been called for on the subject from the Secretary of the Treasury, which it would be necessary to possess before acting on the system of Indian trade, he would waive his opposition now, and let the report pass. The subject could be taken up at the next session.

The report was concurred in.

CHARTER OF WASHINGTON.

The Senate then resumed the consideration of the bill to renew and extend the charter of the City of Washington, and continued occupied for several hours in an examination of the details, which are very numerous, as the bill embraces most of the provisions of the late charter, with sundry additions. On some of these a good deal of debate took place, particularly on the expediency of authorizing the Corporation to raise ten thousand dollars a year by way of lottery, for certain purposes, to be approved by the President of the United States. This power formed part of the late charter, in existence twenty years, but has not until lately been exercised. Being incorporated in this bill, also, Mr. BURRILL proposed to expunge it; and the question was argued at much length. The motion was finally negatived—ayes 14, noes 21.

Mr. MORRIL moved to extend the right of suffrage in the city to all free white male citizens of the United States, of the age of twenty-one years, having resided in the city one year before the time of voting, without any property or other qualification than above stated, instead of requiring that they shall, in addition to this qualification, have been assessed to a certain amount, and have paid a tax.

This motion was supported by Messrs. MORRIL and LLOYD, and was opposed by Messrs. BURRILL and HORSEY; and was negatived, only three or four rising in favor of it.

The bill was ordered to be engrossed for a third reading as amended.

NAVIGATION BILL.

The Senate resumed the consideration of the bill supplementary to the "act concerning navigation."

Mr. BROWN observed that, on reflection, and consultation with the friends of the bill, it was believed the amendment suggested by Mr. PARROTT when the bill was last taken up, to extend its provisions to the British ports in Lower Canada, might prove useful—he moved an amendment having that object; which was agreed to.

All the amendments to the bill, adopted by the committee, having been agreed to in the Senate, the question was stated on ordering the bill to a third reading.

Mr. DANA wished only to remark, that he should vote for the bill, though he had not entire confidence in its efficiency; he did not think it comprehensive enough, or that it went far enough to effect its object.

The bill was then ordered to be engrossed and read a third time, by the following vote:

YEAS—Messrs. Barbour, Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Elliot, Gaillard, Horsey Hunter, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Leake, Lloyd, Lowrie, Macon, Mellen, Morrill, Noble, Otis, Palmer, Parrott, Pleasants, Roberts, Ruggles, Sanford, Smith, Stokes, Taylor, Thomas, Tichenor, Trimble, Van Dyke, Walker, of Alabama, Walker of Georgia, and Williams of Tennessee—40.

NAYS—Mr. Wilson.

DISTRICT JUDGES.

The Senate then resumed the consideration of the bill to increase the compensation of certain district judges—the question being on concurring in the sums with which the blanks were filled in Committee of the Whole.

Attempts were made to reduce, in some instances, and in others to augment the sums voted in committee. The only changes, however, which were effected were in the salaries proposed for the judges in Massachusetts and North Carolina—the first was raised, on motion of Mr. OTIS, from \$2,100 to \$2,300; and the second, on motion of Mr. STOKES, from \$2,000 to \$2,100. These and other propositions produced considerable discussion as to the extent of duties, &c. of different judges.

The question being at length taken on ordering the bill to be engrossed and read a third time, it was decided by yeas and nays, as follows:

YEAS—Messrs. Brown, Edwards, Elliot, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of New York, Lanman, Leake, Mellen, Otis, Sanford, Smith, Stokes, Taylor, Trimble, Van Dyke, Walker of Georgia, and Williams of Tennessee—21.

NAYS—Messrs. Barbour, Burrill, Dana, Dickerson, Eaton, King of Alabama, Lloyd, Logan, Lowrie, Macon, Morrill, Noble, Palmer, Parrott, Pleasants, Roberts, Ruggles, Thomas, Tichenor, Walker of Alabama, and Wilson—21.

The Senate being thus equally divided, the question was lost, and the bill of course rejected.

WEDNESDAY, April 12.

Mr. NOBLE presented the memorial of sundry inhabitants of Vincennes, and its vicinity, in the State of Indiana, descendants of French parents,

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and first settlers of the country on the Wabash and adjacent waters, praying that provision may be made, authorizing the constituted authorities at the next treaty to be holden with the Miami and neighboring tribes, for the purchase of land and other purposes, to appropriate and secure for the use of the memorialists and their descendants, such portion of land as the natives may be willing gratuitously to convey; or such other provision as may be deemed proper, to compensate them for their various losses, privations, services, fidelity, and sufferings; and the memorial was read, and referred to the Committee on Public Lands.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Fielding Jones;" the bill entitled "An act for the relief of Captain Stanton Sholes;" the bill entitled "An act for the relief of the heirs and representatives of Isaac Melchior, deceased;" and, also, the bill entitled "An act for the relief of Joseph M. Skinner, administrator of George Skinner, deceased;" reported the same, respectively, without amendment.

Mr. MORRIS submitted the following motions for consideration:

Resolved by the Senate, That the practice of duelling is inhumane, immoral, and censurable.

Resolved, That the President of the United States would be justifiable in striking from the rolls of the army, the names of all persons thereon who have been, or hereafter may be, directly or indirectly, engaged in a duel, or who may have been, or hereafter may be, in any way or manner accessory thereto.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill entitled "An act for the relief of Christopher Miller," reported the same, without amendment.

The bill relative to the Arkansas Territory was read the second time, and referred to the Committee on the Judiciary.

Mr. VAN DYKE, from the Committee on Pensions, reported a bill concerning invalid pensioners; and the bill was read, and passed to the second reading.

On motion of Mr. HORSEY, the Senate took up the bill to increase the compensation of the judges of the orphans' courts in the District of Columbia.

On motion of Mr. H., the blanks in the bill were so filled as to fix the compensation of these officers, at six dollars a day for every day they attend to the execution of their duties, (it is now four dollars) payable out of the county treasury.

The bill was then ordered to be engrossed for a third reading.

The Senate, on motion of Mr. KING, of Alabama, took up the bill to establish additional land offices in the State of Alabama; and after some discussion of its details, and some also on the expediency of the bill, it was laid over until tomorrow, to give time for the preparation of some amendments which were suggested.

The engrossed bill supplementary to the "act concerning navigation;" and the engrossed bill to establish the district of Pearl river, in Mississippi, were severally read the third time, passed, and sent to the House of Representatives for concurrence.

The bill for granting a pre-emption right to William Conner was taken up, and, on motion, postponed indefinitely.

The bill for the relief of Solomon Prevost, and the bill for the relief of Alexander Milne, were severally considered, in Committee of the Whole, and ordered to be read a third time.

Some progress was made in the bills for the relief of John Rodriguez, and for the relief of Pierre de la Ronde.

The Senate next took up the bill to ascertain and designate the boundary line, between the States of Indiana and Illinois. Some debate took place on this bill, on a point made by Mr. KING, of New York, who doubted the power of Congress to establish the dividing line between two sovereign States of the Union, and did not believe that such survey would be valid, if its accuracy were questioned by either of the States concerned. He was answered by Messrs. EDWARDS, NOBLE, THOMAS, SMITH, and RUGGLES, who urged the compact made on this subject; the petitions to Congress by the States concerned that Congress would have this line ascertained; that all which was necessary was to run a meridian line from a certain point; that there was not the least dispute about the boundary, which the ascertainment of a line North and South would establish incontrovertibly; that there were precedents for the act.

The question being taken on ordering the bill to be engrossed for a third reading, it was decided in the affirmative—yeas 17, nays 14.

MILITARY APPROPRIATIONS.

The Senate then, on motion of Mr. SANFORD, proceeded to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses, on the amendment of the Senate to the military appropriation bill.

Mr. BURRILL moved that the Senate recede from the said amendment.

Mr. JOHNSON, of Kentucky, having premised that he had not before troubled the Senate with any remarks on this subject, submitted a few observations to show that as the other House had manifested so decided an opposition to the prosecution of the Missouri Expedition above the Council Bluffs, it was to be expected that the Executive would, from respect for that decision, not desire at present to go beyond that point; that the House had also decided that they approved this expedition as far as the Council Bluffs; that the Senate had yielded to the House, the first point, but thought it important that a sufficient sum should be appropriated to support the expedition at the Council Bluffs, and to enable the Secretary of War to comply with obligations entered into according to law; that this object required but \$30,000 more than the House had agreed to; and he thought, if the Senate would still insist on its amendment, so as to bring the subject again before the committee of conference, an arrangement would be agreed to by which this sum would be yielded by the other House, seeing that the Senate had yielded to the House in its views as related to the Mandan villages, &c. He therefore, with these views, hoped

the Senate would not recede, but would again insist on their amendment.

The question was then taken on receding from the amendment, and decided in the affirmative—yeas 22.

THURSDAY, April 13.

The PRESIDENT communicated the memorial of the General Assembly of the Territory of Arkansas, praying an act explanatory of the acts providing for their territorial form of government; and also another memorial of the same Legislature, praying the grant of certain sections of land for a seat of government and other public purposes; and the memorials were read, and referred to the Committee on the Judiciary.

Mr. RUGGLES gave notice that, to-morrow, he should ask leave to bring in a bill to revive the powers of the commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to lands within the Territory of Michigan.

Mr. LOWRIE presented the petition of sundry inhabitants of the city of Philadelphia, praying that a duty of ten per centum may be laid on all sales, except sheriffs' sales; and also the petition of the printers and booksellers in the city of Philadelphia, praying that additional duties may be imposed on paper imported into the United States; and the petitions were read, and respectively referred to the Committee on Commerce and Manufactures.

Mr. LEAKE, from the committee to whom was referred the bill, entitled "An act for the relief of Jacob Konkopot and others, of the nation of Stockbridge Indians, residing in the State of New York," reported the same without amendment, accompanied by a report on the subject thereof; and the report was read.

On motion by Mr. LEAKE, the Committee on Indian Affairs, to whom was referred the remonstrance of Samuel Blackburn and others, were discharged from the further consideration thereof, and it was referred to the Secretary of War.

Mr. BURRILL submitted the following motion for consideration, as an addition to the eleventh of the standing rules of the Senate:

That when a motion shall be made that a bill, resolution, or report, shall lie on the table, the question shall be decided without debate.

The PRESIDENT communicated the report of the Secretary of State, to whom was referred the petition of Susannah Stewart; and the report was read.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the petition of John B. Timberlake; and it was laid on the table.

On motion by Mr. EATON, the Committee on Finance, to whom was referred the petition of Anthony Kennedy, of Philadelphia, were discharged from the further consideration thereof.

The Senate resumed the consideration of the motions of the 12th instant, in relation to duelling; and, on motion by Mr. MORRIL, the further con-

sideration thereof was postponed until Wednesday next.

Mr. HORSEY, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act for the relief of John Law and Jonathan Elliot, citizens of the City of Washington, in the District of Columbia," reported the same without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Rodriguez; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The bill concerning John B. Timberlake, a purser in the Navy, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney;" a bill entitled "An act for the relief of the heirs of Abijah Hunt and William Gordon Forman;" a bill entitled "An act giving the right of pre-emption to James Shields;" a bill entitled "An act for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased;" a bill entitled "An act for the relief of Angus O. Fraser and others;" a bill entitled "An act authorizing the Secretary of State to issue letters patent to Henry Burdin;" a bill entitled "An act for the benefit of the Columbian Institute, established for the promotion of arts and sciences in the City of Washington;" a bill entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia;" a bill entitled "An act to authorize the sale of part of the glebe of Rock Creek church, in the county of Washington, and District of Columbia;" a bill entitled "An act concerning the banks of the District of Columbia, and for other purposes;" a bill entitled "An act for the relief of Stephen Baxter, late paymaster of the third regiment of New York volunteers;" a bill entitled "An act for the relief of Joseph Bruce;" a bill entitled "An act for the relief of Thomas C. Withers;" a bill entitled "An act for the relief of Daniel Converse and George Miller;" and, also, a bill entitled "An act for the relief of the widow of John Heaps, deceased;" in which bills they request the concurrence of the Senate. They have also passed the bill which originated in the Senate, entitled "An act to continue in force the act passed on the twentieth day of April, 1818, entitled 'An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, 1799,' with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendment, and concurred therein.

The fifteen bills last brought up for concurrence were read, and they severally passed to the second reading.

The bill entitled "An act for the relief of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney;" the bill entitled "An act for the relief of the heirs of Abijah Hunt and William Gordon Forman;" and, also, the bill entitled "An act

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giving the right of pre-emption to James Shields," were severally read the second time by unanimous consent, and respectively referred to the Committee on Public Lands.

The bill entitled "An act for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased;" and, also, the bill entitled "An act for the relief of Angus O. Fraser and others," were read the second time by unanimous consent, and respectively referred to the Committee on Finance.

The bill entitled "An act authorizing the Secretary of State to issue letters patent to Henry Burdin," was read the second time by unanimous consent, and referred to the Committee on Commerce and Manufactures.

The bill entitled "An act for the benefit of the Columbian Institute, established for the promotion of arts and sciences in the City of Washington;" the bill entitled "An act concerning the banks of the District of Columbia, and for other purposes;" the bill entitled "An act to authorize the sale of part of the glebe of Rock Creek church, in the county of Washington, and District of Columbia;" and, also, the bill entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia," were severally read the second time by unanimous consent, and respectively referred to the Committee on the District of Columbia.

The bill entitled "An act for the relief of Stephen Baxter, late paymaster of the third regiment of New York volunteers;" the bill, entitled "An act for the relief of Joseph Bruce;" the bill, entitled "An act for the relief of Thomas C. Withers;" and, also, the bill, entitled "An act for the relief of Daniel Converse and George Miller," were severally read the second time by unanimous consent, and respectively referred to the Committee of Claims.

The bill, entitled "An act for the relief of the widow of John Heaps, deceased," was read the second time by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

The engrossed bill to renew and extend the charter of the City of Washington was read the third time. A motion was made by Mr. ROBERTS, and agreed by general consent to be considered, so to amend the bill that in case any naval or military officer of the United States shall be elected an alderman of the city, such officer shall not exercise the office of justice of the peace, (as other aldermen are hereafter, *ex officio*, to exercise,) which amendment was, after some debate, agreed to—ayes 14, noes 9; and thus amended, the bill was passed, and sent to the other House for concurrence.

The bill to increase the allowance of the judges of the orphans' court in the counties of Washington and Alexandria was read a third time, and passed.

The bill to authorize the President of the United States to ascertain and designate certain boundaries was read a third time, and passed.

The bill to establish the district of Pearl river was read a third time, and passed.

The bill concerning Arkansas Territory (applying to that Territory the provisions of the act of June 4th, 1812, as modified by the act of April 29, 1816, for the government of the Territory of Missouri,) was, on motion of Mr. JOHNSON, of Kentucky, taken up, considered, and ordered to be engrossed for a third reading.

The bill, entitled An act for the relief of Solomon Prevost was read a third time, and passed.

The bill entitled An act for the relief of Alexander Milne was read a third time, and passed.

The PRESIDENT communicated a report of the Postmaster General, containing a list of unproductive post roads for the year 1819; and the report was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish additional land offices in the State of Alabama, and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

Mr. OTIS presented the petition of David Ellis and others, merchants, distillers, and owners of distilleries, in the town of Boston and its vicinity, praying that the duty on molasses may not be increased; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. OTIS also presented the petition of Eliphallet Loud and others, of the town of Weymouth, in Massachusetts, stating that their ship called the "Commerce" was unjustly taken possession of by a Russian gun-boat, at the island of Corfu, and there condemned, in the year 1807; from which an appeal was made to the Court at St. Petersburg, upon which no decision can be had; and praying the interposition of the Government to obtain redress, and the petition was read, and referred to the Secretary of State, to consider and report thereon to the Senate.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act for the relief of James Merrill," reported the same without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Pierre Dennis de la Ronde, and the same having been amended, it was reported to the House; and, the amendment being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the district of Blakely; and the same having been amended, it was reported to the House; and, the amendments being concurred in, the bill was ordered to be engrossed and read a third time.

The Senate then resumed, as in Committee of the Whole, the bill for the relief of sick and disabled seamen.

The bill is long, and embraces numerous provisions, in the discussion and amendment of which, Messrs. ELLIOT, PLEASANTS, DICKERSON, LANMAN, MELLE, BURRILL, and MACON, took an active part.

The further consideration of the bill was postponed till to-morrow.

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DISTRICT JUDGES.

Mr. WALKER, of Georgia, rose and adverted to the decision of the Senate on Tuesday, by which the bill to increase the salaries of certain judges was rejected. On ordering that bill to a third reading, the Senate were equally divided, and the bill was of course lost by want of a majority in its favor, though there was not a majority against it. This being an unprecedented case in the Senate, Mr. W. wished to know if it was competent for a member on either side of a question on which there was no majority, to move a reconsideration thereof, under the rule which only says that a member voting with the majority may move a reconsideration.

The PRESIDENT decided that it was conformable to the spirit of the rule to permit a member voting on that side which prevailed, to move a reconsideration; and therefore, in the present case, as those opposed to the bill had succeeded in defeating it, even though not a majority, it would be in order for any member who voted on that side of the question to move a reconsideration.

Mr. BARBOUR, then, who had voted against the bill, to accommodate Mr. WALKER, (who was precluded by the decision from making the motion,) moved to reconsider the vote of Tuesday on ordering the bill to a third reading.

This motion prevailed, and the question then recurring on ordering the bill to be engrossed for a third reading; and the bill was laid on the table.

FRIDAY, April 14.

Mr. RUGGLES asked and obtained leave to bring in a bill to revive the powers of the commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to land within the Territory of Michigan; and the bill was read and passed to the second reading.

Mr. TRIMBLE presented the petition of George Jackson, of the State of Ohio, praying compensation for the use of a wagon and team, and for four horses, which were lost while in the service of the United States during the late war; and the petition was read, and referred to the Committee of Claims.

On motion, by Mr. TRIMBLE, the Committee of Claims were instructed to inquire into the expediency of providing by law for the payment of sixty dollars to Christian Wilman, for a horse which he lost while in the service of the United States, in the late war.

The Senate resumed the consideration of the motion of the 13th instant, for amending the eleventh of the standing rules of the Senate; and, on motion, by Mr. WILSON, it was laid on the table.

The bill concerning invalid pensioners was read the second time.

Mr. BROWN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill for the relief of James Leander Cathcart; and the same was twice read by unanimous consent.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill to regulate the

fees of the clerk and marshal for the district court of the United States for the State of Louisiana; and, also, the bill to continue in force an act to protect the commerce of the United States, and to punish the crime of piracy, and, also, to make further provision for punishing the crime of piracy, reported the same, respectively, without amendment.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act for the relief of William Coffin and others;" and, also, the bill entitled "An act for the relief of Elkanah Finney and others," reported the same, respectively, without amendment.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney;" and, also, the bill entitled "An act giving the right of pre-emption to James Shields," reported the same, respectively, without amendment.

Mr. WILLIAMS, from the same committee, to whom was referred the bill, entitled "An act for the relief of the heirs of Abijah Hunt and William Gordon Forman," reported the same with an amendment; which was read.

CLOTHING OF THE ARMY.

The Senate, on motion of Mr. DICKERSON, then proceeded to the consideration of the bill to provide for clothing the Army of the United States in domestic manufactures; which bill is as follows:

Be it enacted, &c., That, from and after the passing of this act, the Secretary of War be, and he is hereby, authorized and required to cause the Army of the United States to be clothed in articles of domestic manufacture, so far as the same can be procured in the United States.

The bill having been read, Mr. WILLIAMS, of Tennessee, for reasons which he submitted at large, moved to postpone it indefinitely.

On this motion a debate ensued, embracing in its scope the general policy of affording further encouragement to domestic manufactures, and the various considerations connected with that broad question, as well as on the particular merits of this bill. The bill was supported much at large by Messrs. DICKERSON, BURRILL, TRIMBLE, MORRIL, and KING, of New York, and in a few incidental remarks by Mr. RUGGLES. The bill was opposed as earnestly and fully by Messrs. WILLIAMS, of Tennessee, SMITH, and MACON. The debate continued till half past 3 o'clock; when, the question being taken on the indefinite postponement of the bill, it was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Brown, Elliot, Gaillard, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Macon, Noble, Pleasants, Smith, Taylor, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—17.

NAYS—Messrs. Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, King of New York, Lanman, Logan, Lowrie, Morrill,

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Otis, Palmer, Parrott, Roberts, Ruggles, Sanford, Thomas, Tichenor, Trimble, Van Dyke, and Wilson—24.

Mr. VAN DYKE, to remove some of the objections which had been urged against the bill, and make it more generally acceptable, moved to divest it in part of its imperative character by modifying the bill to read, "so far as the same can be procured at as reasonable prices as similar articles of foreign manufacture."

This amendment was opposed by Mr. TRIMBLE, and Mr. DICKERSON; but, before the question was taken, the Senate adjourned.

SATURDAY, April 15.

Mr. LOWRIE presented the memorial of the Pennsylvania Society for the encouragement of American manufactures, praying that such a modification of the tariff may be made, as will secure to all persons interested in agriculture, manufactures, and commerce, a full and equal share of protection; and the memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to report to the Senate, at an early day of the next session, a system, in his opinion, best calculated to protect the territorial frontier of the United States, designating the posts heretofore established for that purpose; with a comparative view of the expenditures and advantages which might result from any change that may be contemplated in such military frontier, particularly embracing the country watered by the Mississippi and its tributary streams.

The bill to revive the powers of the commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to lands within the Territory of Michigan, was read the second time, and referred to the Committee on Public Lands.

On motion by Mr. BARBOUR, the Judiciary Committee were instructed to inquire into the state of the journals of the Senate, preceding the year 1814; and that they be authorized to report by bill or otherwise.

The bill for the relief of John Rodriguez was read a third time, and passed.

The bill for the relief of Pierre Dennis de la Ronde was read a third time, and passed.

The bill to establish the District of Blakely was read a third time, and passed.

The bill to establish additional land offices in the State of Alabama was read a third time, and passed.

The bill relative to the Arkansas Territory was read a third time, and passed.

On motion by Mr. MACON, the Senate took up the bill making an appropriation for carrying into effect certain surveys of the coast of North Carolina, directed by a resolution of Congress of the last session; when, for the purpose of offering some amendments to extend the bill to two or three similar cases, in which objects authorized by law

require specific appropriations, which Mr. DANA wished to prepare, the bill was laid on the table. The amendments were subsequently offered by Mr. DANA, agreed to, and the bill ordered to a third reading.

Mr. BARBOUR presented the memorial of certain stockholders of the banks in Alexandria, and others, deeply interested in the prosperity of that town, recommending certain amendments to the bill from the House of Representatives, entitled "An act concerning the Banks of the District of Columbia, and for other purposes;" and the memorial was read, and referred to the Committee on the District of Columbia.

Mr. TRIMBLE submitted the following motions for consideration:

Resolved, That the Committee on the District of Columbia be requested to require from the officers of each bank in the said District now applying to Congress for a renewal of its charter, an attested list of its stockholders, with the amount due to the bank from each stockholder; stating whether any part of the stock is formally or virtually pledged for the payment thereof.

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate a statement, showing the amount of capital subscribed and paid into each bank in the District of Columbia, and the time and mode in which the same has been paid, specifying such parts thereof as have been paid in specie, and such parts which have been paid, or which consist in stock notes, or any other nominal capital; and that he be requested further to report whether any, and, if any, which of said banks have, by themselves or their agents, purchased in the stocks of their respective banks, and to report the amount, if any, so purchased.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire if any, or what, further laws are necessary to give facility to the surrender of any "person held to service or labor in one State under the laws thereof, escaping into another," to his or her proper owner; and to report by bill or otherwise.

DISABLED SEAMEN.

The Senate resumed the consideration of the bill for the relief of sick and disabled seamen.

Mr. PARROTT moved to amend the bill by adding thereto the following section:

And be it further enacted, That, from and after the thirtieth day of September next, the master of every boat, raft, or flat, which shall go down the Mississippi to New Orleans, shall, on his arrival at that port, render to the collector thereof an account of the number of persons employed on board such boat, raft, or flat, and the time that each person has been so employed; which account shall be verified by the oath of such master, and shall pay to the said collector at the rate of twenty-five cents per month for every person so employed; which sum he is authorized to retain out of the wages of such person; and if any such master shall fail to render an account, or shall render a false account, of the number of persons employed, and of the length of time they have been severally employed, as is herein required, he shall forfeit and pay one hundred and fifty dollars; which sum, together with all other fines and penalties recovered by virtue of this

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act, shall make a part of the said general fund: *Provided*, That all persons employed in navigating such boat, raft, or flat, shall be considered as seamen of the United States, and entitled to the relief extended by this act to sick and disabled seamen.

Mr. LOGAN opposed this amendment, on the ground that it would be unjust to tax a people for an object in the benefits of which they could not or would not ever participate.

Mr. PARROTT replied, that such a provision was contained in the existing laws on the subject, and he thought it was proper to retain it in the present bill; and argued to show that the Marine Hospital of New Orleans would often afford relief to sick and destitute boatmen, &c.

Mr. WILLIAMS, of Mississippi, did not say the provision would not be productive of good, but it was certainly new, as the boatmen were not now entitled to the benefits of the marine hospital, that being confined to registered seamen. He moved, therefore, the postponement of the bill to Monday, that the amendment might be printed; which motion prevailed, and the bill was postponed accordingly.

HEIRS OF E. & W. WINTER.

The Senate took up the bill to authorize the legal representatives of Elisha Winter and William Winter to institute a bill in equity in the nature of a petition of a right against the United States.

This is a claim of great magnitude, and has been before Congress for many successive years. It is for no less than one million of acres of land in Arkansas, the title to which is derived under a Spanish grant. The legality of the title to the extent claimed turns on the construction of one or two words of the grant, which, rendered into English, are "one thousand arpens of land square," upon which a question arises, whether the grant intended to convey a thousand square acres, or, as the claimants allege, a thousand acres square, which, of course, is the difference between one thousand and one million of acres.

Mr. ROBERTS stated some objections to this report, to the course proposed by the bill, and to the validity of the claim set up to an extent of territory almost, he said, equal to an empire.

Mr. HUNTER replied at considerable length, detailing the grounds on which the committee founded their report, and entering somewhat into the merits of the claim. After an elaborate and minute investigation of the evidence adduced by the claimants, the committee would have felt themselves bound, had they been obliged to pronounce an opinion, to say that the claim was a just and equitable one; but, as all the evidence was *ex parte*, it was thought best to refer it to a judicial investigation, where the United States could be able to adduce any counteracting evidence which might be within their reach. The interest of the United States required this course, as it was not possible that Congress could do justice to the public; they rarely had any thing to guide them but the interested statements and *ex parte* testimony of the petitioners. Congress was, from its constitution,

not a fit tribunal to decide such claims, and particularly claims of such enormous extent as the present one, &c.

Mr. BROWN made some remarks on the practice of the Spanish Governors of Louisiana in making grants of land, the circumstances in which this grant originated, &c., to show that this claim rested on reasonable grounds, and had sufficient evidence to establish its justice.

The bill was on motion of Mr. JOHNSON, of Louisiana, who wished to make similar provision for other cases, postponed to Monday.

CLOTHING OF THE ARMY.

The Senate then resumed, in Committee of the Whole, Mr. WALKER, of Alabama, in the Chair, the bill to provide for clothing the Army in domestic manufactures—Mr. VAN DYKE's motion to amend the bill being under consideration.

To give place to an amendment which had been prepared by Mr. BARBOUR, which he was willing should supersede his own, Mr. VAN DYKE withdrew his amendment.

Mr. BARBOUR then proposed to amend the bill, by adding "on such terms and at such prices as will not be injurious to the public interest;" thus leaving an option with the Secretary of War, and depriving the bill of its imperative character.

The object of this amendment, Mr. B. observed, was to mitigate and render less objectionable a measure which he conceived improvident, but which, from the vote of yesterday, seemed to have gained for it, since the last session, when a similar proposition was rejected, sufficient favor to carry it through the Senate. Mr. B. then entered into a general argument against the expediency of the bill, which he opposed, not only on account of its contemplated object and effect, but because it was a minute and insulated measure in a great system which was now before the other House, which, if adopted, would merge the object of this bill, &c.

Mr. DICKERSON would have no objection to the amendment, if so modified as to read "not materially injurious," &c., and proceeded to reply generally to the arguments of Mr. B.

Mr. BARBOUR rejoined at some length, and sustained his opinions by additional arguments.

Mr. JOHNSON, of Kentucky, submitted his views in favor of the bill, and was followed on the same side by Mr. RUGGLES, who preferred the bill, as it was, without the amendment.

Mr. LLOYD regretted that the amendment offered by Mr. VAN DYKE had been withdrawn, considering it preferable to the amendment proposed by Mr. BARBOUR, in whose views he concurred, but thought that his amendment would fall short of its object. Mr. L. then went pretty largely into an examination of the effect and operation of the bill, to show its inexpediency.

Mr. TRIMBLE entered into sundry details relative to the mode of supplying the Army with clothing, and the inconveniences sustained by the Army in consequence thereof; the conduct of the purchasing department, &c., and in support of the bill in its original shape; and, with the view of preparing amendments to change the present sys-

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tem of supplying the Army, and provide a different mode, concluded with a motion to postpone the bill to Monday.

Mr. LOWRIE opposed the postponement, being in favor of the bill, and wishing it to pass promptly.

The motion to postpone the bill was lost—yeas 11; and the question recurred on Mr. DICKERSON'S amendment to the amendment of Mr. BARBOUR.

Mr. SMITH wished Mr. VAN DYKE'S amendment had remained, because there could have been no difference of opinion on it; and he would have voted for it, with the view of saving money, inasmuch as it appeared that a contract had been offered by a domestic manufacturer, to supply the Army with certain clothing ten or fifteen per cent. lower than could be procured of foreign fabrics. Mr. S. then went into a general argument against this bill, which he denominated one of the mechanical powers—the wedge—which would be followed in a few days by the screw, (alluding to the tariff bill in the other House,) which, combined, could rive the world asunder.

To accommodate gentlemen who preferred Mr. VAN DYKE'S proposition, and to make way for it, Mr. BARBOUR withdrew his amendment.

Mr. LLOYD then moved an amendment similar to that which was offered yesterday by Mr. VAN DYKE, and withdrawn this morning; and the question being taken thereon, it was negatived.

Mr. WILLIAMS, of Tennessee, then moved to amend the bill, by adding thereto the following:

"Provided, That no contract for, or purchase of domestic goods for clothing the Army, shall be made at more than ten per cent. above the price of articles of the same kind and quality imported from a foreign country."

Mr. W. observed that the bill, as it stood at present, made it imperative on the purchasing department to buy domestic goods, no matter at what cost above foreign goods; this might create an enormous expense. If a reasonable encouragement only was desirable, his amendment must be acceptable to the friends of the bill. He wished the extent of protection to be stated specifically; and it seemed to be generally admitted that ten per cent. was ample. But, Mr. W. said, it would be necessary to follow up this protecting provision with an appropriation to support it; and, therefore, if his amendment prevailed, he should move another section to the bill, which he had prepared, and was as follows:

"Be it further enacted, That the sum of — dollars be and the same is hereby appropriated, for clothing the Army of the United States, in addition to the appropriations heretofore made."

Mr. DICKERSON disclaimed any desire to give exorbitant protection; he wished encouragement only so far as to give the preference to domestic manufactures when to be obtained at reasonable prices; and was willing so to modify the bill.

Mr. BROWN remarked, if this was the view of gentlemen, why not have accepted Mr. LLOYD'S amendment, which went no further than that, though more specific? Mr. B. thought these words "reasonable" and "materially" too indefi-

nite. Why not avoid all obscurity or ambiguity by saying plainly and precisely how far the preference should be extended to domestic fabrics? Mr. WILLIAMS'S amendment would give this precision. The bill, it was true, would then be a nullity, but it would be intelligible; and as the War Department had heretofore given the preference to domestic manufactures, it would continue to do so; but the limit to which it might go would be fixed, and remove all doubt or discretion, &c.

Mr. WILSON had thought this bill at first unnecessary; but as it had appeared that the conduct of the Commissary General of Purchases was somewhat objectionable in regard to a due encouragement of the domestic manufactures, he was willing to provide a corrective. Mr. W. observed, that in his private capacity he always gave a preference to domestic goods when he could obtain them on equal terms as to price and quality, with foreign articles. Thus far he was willing to go in his public capacity, and if an opportunity were afforded to him, he would move such a provision.

To give this opportunity, and because he approved the proposition suggested, Mr. WILLIAMS withdrew his amendment.

Mr. WILSON then moved to add to the bill the following proviso: "Provided the same can be procured at the same prices as goods of the same kind and quality of foreign manufacture."

Mr. LOWRIE moved to add to the proviso the words, "having due regard to the expense of transportation;" which Mr. WILSON accepted as a part of his amendment.

Mr. BURRILL offered some remarks in reply to arguments of gentlemen opposed to the bill, and entered again into statements to show that it was practicable to obtain domestic cottons and other articles, of superior quality to like articles of foreign manufacture, at even a less cost, &c. All he desired or expected to obtain by this bill was to intimate to the Purchasing Department that when domestic clothing could be obtained as cheap and good as foreign, he was to prefer it. As to encouragement of domestic manufactures by this bill, it was scarcely an object; for, at most, it was only to provide clothing for ten thousand men, which a single manufactory could do. A saving of money—a prevention of waste—was its chief argument.

Mr. WILLIAMS, of Tennessee, submitted some additional observations and facts to defend the Commissary General of Purchases against reflections thrown out on the correctness of his conduct in the course of the debate of yesterday and today.

Mr. TRIMBLE opposed the amendment now under consideration, on the ground that it would impose on the Secretary of War a discretion and responsibility very difficult to discharge with satisfaction, &c. Mr. T. subjoined some remarks on the supply of the Army to show its defective mode; in the course of which he stated a fact to enforce his opinions, which was, on one occasion, some years ago the blankets received for the soldiers of the 8th military department, being of for-

sign fabric, were made by cutting one blanket into two; and were of a texture so thin that the inspecting officers condemned them, and the commanding officer (General Jesup) actually enclosed one of them in a letter to the Secretary of War, to show why they were rejected. He argued from this fact, and others, to show the evils and inconveniences of such supplies at remote posts, where better could not be promptly substituted, &c.

The amendment offered by Mr. WILSON was agreed to, by yeas and nays—39 to 3.

On motion of Mr. DICKERSON, the following section was added to the bill:

SEC. 2. *And be it further enacted*, That it shall be the duty of the Commissary General of Purchases to transmit, annually, to the Secretary of War, with his returns of contracts for supplies of clothing the Army of the United States, copies of all the proposals made to him, for furnishing such supplies.

The bill as amended was then reported to the Senate.

The amendment adopted on the motion of Mr. WILSON coming up for concurrence—

Mr. LLOYD moved to strike out that part of it which had been added at the suggestion of Mr. LOWRIE, viz: "Having a due regard to the expense of transportation."

After some discussion, in which the motion to strike out was supported by Messrs. LLOYD and SMITH, and was opposed by Messrs. LOWRIE, BROWN, KING, of Alabama, LOGAN, and EDWARDS, the motion was negatived.

The amendments were then all concurred in, and the bill was ordered to be engrossed, and read a third time.

The Senate, at about half past 3 o'clock, went into the consideration of Executive business; after which they adjourned.

MONDAY, April 17.

Mr. STOKES, from the Committee on the Post Office and Post Roads, to whom was referred the bill, entitled "An act for the relief of the widow of John Heaps, deceased," reported the same without amendment.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of Beck and Harvey;" the bill, entitled "An act for the relief of Charles S. Jones and Richard Buckner, junior, administrators of William Jones;" the bill, entitled "An act for the relief of John D. Carter;" and also the bill, entitled "An act for the relief of Angus O. Fraser and others;" reported the same, respectively, without amendment.

On motion by Mr. WILSON, the Committee of Claims, to whom was referred the petition of B. and P. Jourdan, brothers, were discharged from the further consideration thereof.

Mr. MORRIL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Stephen Baxter, late paymaster of the third regiment of New York volunteers;" the bill, entitled "An act for the relief of Joseph Bruce;" and, also, "An act for the relief of Daniel

Converse and George Miller;" reported the same, respectively, without amendment. He also reported the bill, entitled "An act for the relief of Thomas C. Withers," with an amendment; which was read.

On motion by Mr. WALKER, of Alabama, the memorial of John M. Chapron and others, in behalf of the French emigrants to Alabama engaged in the cultivation of the vine and olive, was referred to the Secretary of the Treasury to consider and report thereon to the Senate.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of Louis Joseph de Beaulieu," reported the same, with an amendment; which was read.

Mr. JOHNSON, of Louisiana, presented the memorial of the Legislature of the State of Louisiana, respecting the currency of foreign gold coins; and the memorial was read, and referred to the Committee on Finance.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the legal representatives of Gabriel Berzat, deceased; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois;" a bill, entitled "An act supplementary to 'An act providing for cases of lost military land warrants, and discharges for faithful services;" a bill, entitled "An act for the relief of the legal representatives of Henry Willis;" and also a bill, entitled "An act for the relief of General James Wilkinson;" in which bills they request the concurrence of the Senate. They have passed the bill, which originated in the Senate, entitled "An act to establish a district court in the State of Alabama," with amendments; in which they request the concurrence of the Senate.

The four bills last brought up for concurrence were read, and severally passed to the second reading.

The Senate took up the amendment of the other House, to the bill to establish a district court in Alabama, (reducing the salary proposed for the judge from \$2,000 to \$1,500, and that of the marshal from \$400 to \$200.)

The Senate, on motion of Mr. WALKER, of Alabama, disagreed to the first amendment, touching the salary of the judge; and agreed to the second, with an amendment; making the salary of the marshal \$250 instead of \$200, as reduced by the House.

The bill entitled "An act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois;" and also the bill, entitled "An act for the relief of the legal representatives of Henry Willis;" were read the second time, by unanimous consent, and respectively referred to the Committee on Public Lands.

The bill entitled "An act supplementary to 'An act providing for cases of lost military land war-

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rants, and discharges for faithful services;" and also the bill, entitled "An act for the relief of General James Wilkinson;" were read the second time, by unanimous consent, and respectively referred to the Committee on Military Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the heirs of Edward McCarty; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of purchasers of public lands; and, on motion by Mr. WILLIAMS, of Mississippi, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Thomas Hunter; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill declaring the consent of Congress to certain acts of the Legislature of the State of North Carolina; and the same having been amended, by filling the blank therein, it was reported to the House; and, the amendment being concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate then resumed the consideration of the bill further to provide for sick and disabled seamen, (making additional provision for marine hospitals at certain places, to be supported, as usual, by a contribution of twenty-five cents per month, by the registered seamen, &c.) Mr. PARROTT's amendment, offered to the bill on Saturday, to extend the provision of the bill to Mississippi boatmen being still under consideration, some discussion took place, not so much on the principle of the amendment, as on the propriety of discriminating between the different kinds of boatmen, so as to include those only who follow the vocation regularly, and not those who are casual hands, or go for a single trip, &c.; in which Messrs. RUGGLES, LEAKE, PARROTT, JOHNSON, of Louisiana, TRIMBLE, LOGAN, and BROWN, joined. The proceeding ended in postponing the bill, on motion of Mr. TRIMBLE, who wished to modify the amendment, until to-morrow.

Mr. BARBOUR laid on the table a proposition, so to amend the rules of the Senate as, substantially, to give a priority to bills from the other House.

The engrossed bill making appropriations for defraying the expense of certain surveys of the coast of North Carolina, and for other purposes; and the engrossed bill to provide for clothing the army in domestic manufactures; were severally read the third time, passed, and sent to the House of Representatives for concurrence.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution authorizing the publication of part of the secret Journal of the Congress under the Articles of Confederation; and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill granting certain privileges to the Ocean Steamship Company of New York; and the same having been amended, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

Mr. HORSEY, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act for the benefit of the Columbian Institute, established for the promotion of arts and sciences in the City of Washington;" and also the bill, entitled "An act to alter the times of the sessions of the circuit and district courts in the District of Columbia;" reported the same, respectively, without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers; and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed the consideration of the bill to authorize the heirs of Elisha and William Winter to institute a suit, in the nature of a petition of right, against the United States.

Mr. ROBERTS offered an amendment, limiting the time for the institution of such suit to one year; which amendment was agreed to.

Some conversation took place between Messrs. OTIS, SMITH, and HUNTER, on the expediency of making an innovation in the practice of the Government in a single case; on the propriety of embracing other claims of a similar character, if there be any, in the same bill; and by Mr. SMITH particularly, on a doubt whether the bill did not infringe the Constitution, or, at any rate, an important principle heretofore adopted and adhered to.

The bill was, on motion of Mr. SMITH, postponed until to-morrow.

GRANT OF LAND TO OHIO.

The Senate took up the bill to grant to Ohio a pre-emption right to a section of land in each county in the district called the New Purchase, in that State, for county buildings, &c., with the amendment reported to the bill by the Land Committee, which proposed to grant only a quarter section in each county for the purpose above mentioned.

A good deal of debate arose on the expediency of granting this pre-emption; on the injustice of such favors to one State and not to another; the propriety of making the provision more general, &c. Messrs. RUGGLES, LOWRIE, WILLIAMS, of Mississippi, TRIMBLE, LEAKE, BROWN, KING, of Alabama, ROBERTS, WALKER, of Alabama, and EATON, respectively, bore a part in the discussion; in the course of which Mr. WILLIAMS made an un-

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Pay of Navy Surgeons—District of Columbia.

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successful motion to postpone the bill indefinitely.

The amendments having been agreed to, Mr. ROBERTS renewed the motion to postpone the bill indefinitely, which was decided by yeas and nays in the negative, as follows:

YEAS—Messrs. Barbour, Brown, Burrill, Dana, Eaton, Gaillard, Horsey, King of Alabama, Mellen, Pleasants, Roberts, Smith, Taylor, Van Dyke, Williams of Mississippi, and Wilson—16.

NAYS—Messrs. Dickerson, Edwards, Hunter, King of New York, Lanman, Leake, Logan, Lowrie, Macon, Noble, Otis, Palmer, Parrott, Ruggles, Sanford, Stokes, Thomas, Trimble, Walker of Alabama, Walker of Georgia, and Williams of Tennessee—21.

The bill was then postponed until to-morrow.

PAY OF NAVY SURGEONS.

The Senate next took up, as in Committee of the Whole, the bill to regulate the pay of surgeons of the Navy.

Mr. PLEASANTS explained the grounds on which the Naval Committee had proceeded in reporting this bill, and in deciding on the amount of pay to be allowed to surgeons, according to the character of the service in which they are employed, &c., and proceeded to move that the blanks be filled with various sums, which were successively agreed to.

The bill having been gone through and reported, it was, on motion of Mr. BURRILL, who wished a little time to examine it in comparison with the pay allowed to surgeons of the Army, postponed ill to-morrow.

DISTRICT OF COLUMBIA.

The following resolution, offered by Mr. TRIMBLE, was taken up, and after a few words from Mr. BARBOUR, expressive of a hope that the resolution would not be used to retard the passage of the bill extending the charters of the banks, which was of great importance to the people of the District—it was agreed to, viz:

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate a statement showing the amount of capital subscribed and paid, to each bank in the District of Columbia, particularly specifying the time and mode of payment, the parts thereof which have been paid in specie, and the parts thereof which have been paid, or which consist in stock notes, or in any other species of nominal capital; and to report whether any, and, if any, which of said banks have by themselves, or their agents, purchased in the stocks of their respective banks, and, if any, the amount so purchased.

The following resolution also submitted by Mr. TRIMBLE, on Saturday, was next taken up for consideration:

Resolved, That the Committee on the District of Columbia be instructed to require from the officers of the banks in said District, now applying to Congress for a renewal of their charters, an attested list of their respective stockholders, stating the amount due from each stockholder, and whether any part of the stock is formally or virtually pledged for the payment thereof.

Mr. OTIS objected to the extent to which this

resolution went; much of the information called for by the resolutions was perhaps necessary, but that part which called for an exposure of the affairs of the individual stockholders he thought was not altogether proper, and was perhaps unnecessary.

Mr. TRIMBLE had no desire to pry into the concerns of the individual stockholders, but he wished to ascertain the real capital of the banks, and what part thereof was merely nominal, previously to acting on the bill for rechartering them. He was willing to accept a modification, however, which would make it more acceptable, and to give time for it, he moved the postponement of the resolution until to-morrow; which motion was agreed to, and the resolution was postponed accordingly.

TUESDAY, April 18.

The Senate resumed the consideration of the motion of the 15th instant, for requiring the Secretary of War to report to the Senate a system, in his opinion, best calculated to protect the territorial frontier of the United States; and, on motion by Mr. JOHNSON, of Kentucky, it was laid on the table.

The Senate resumed the consideration of the motion of the 15th instant, for instructing the Committee on the District of Columbia to require certain information relative to the stockholders in the respective banks in the District of Columbia, now applying to Congress for a renewal of their charters; and, on motion of Mr. TRIMBLE, it was laid on the table.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district," reported the same with amendments; which were read.

The PRESIDENT communicated the report of the Secretary of State, to whom, by a resolution of the Senate, of the 13th instant, was referred the petition of Eliphalet Loud and others; and the report was read.

Mr. SANFORD submitted the following motion for consideration:

Resolved, That the Secretary of War lay before the Senate, at the commencement of its next session, a statement of all annuities payable by the United States to Indians or Indian tribes, or under treaties with Indians; distinguishing the several annuities, the periods during which they are respectively payable; and exhibiting the capitals or present values of such annuities, computing the annual interest, at six per centum.

The resolution authorizing the publication of part of the secret Journal of Congress, under the Articles of Confederation, was read a third time, and passed.

The bill for the relief of the legal representatives of Gabriel Berzat, deceased, was read a third time, and passed.

The bill for the relief of the heirs of Edward McCarty was read a third time, and passed.

The bill for the relief of Thomas Hunter was read a third time, and passed.

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Heirs of Elisha and William Winter.

SENATE.

The bill for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others, was read a third time, and passed.

The bill authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers, was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House insist on their amendment to the bill, entitled "An act to establish a district court in the State of Alabama," and disagree to that proposed by the Senate upon concurring in the second amendment to the said bill. They have passed a bill, entitled "An act extending the time allowed for the redemption of land sold for direct taxes, in certain cases;" a bill, entitled "An act to annex certain lands within the Territory of Michigan to the District of Detroit;" and, also, a resolution, giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line; in which bills and resolution they request the concurrence of the Senate.

The said two bills and resolution were read, and severally passed to the second reading.

The bill, entitled "An act extending the time allowed for the redemption of land sold for direct taxes, in certain cases," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill, entitled "An act to annex certain lands within the Territory of Michigan to the District of Detroit," was read the second time, by unanimous consent, and referred to the Committee on Public Lands.

The resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line, was read the second time, by unanimous consent, and referred to a select committee, to consider and report thereon; and Messrs. LOGAN, EATON, and BURRILL were appointed the committee.

The Senate resumed the consideration of the bill to provide further for the relief of sick and disabled seamen—Mr. PARROTT's amendment being yet under consideration.

The amendment was so modified, on motion of Mr. TRIMBLE, as to suit the view he had previously expressed in the discussion—not varying materially, however, from the original proposition; and the amendment being then agreed to, the bill was ordered to be engrossed for a third reading.

The Senate next resumed the consideration of the bill granting to the Ocean Steamboat Company of New York certain privileges.

Some debate arose on the propriety of granting some of the proposed advantages to this company, that particularly of the drawback on foreign coal consumed by the steam vessel; in which Mr. PARROTT opposed it on principle, and it was defended by Messrs. DICKERSON, KING, of New York, and JOHNSON, of Louisiana. After an unsuccessful motion by Mr. PARROTT, to postpone the bill indefinitely, it was on motion of Mr. WILSON, who

wished a little further time to look into the provisions of the bill, postponed until to-morrow.

The following resolution, submitted some days ago by Mr. SMITH, was taken up for consideration:

"Resolved, That the Committee on the Judiciary be instructed to inquire if any, or what, further laws are necessary to give facility to the surrender of any person held to service or labor in one State, under the laws thereof, escaping into another, to his or her proper owner, and to report by bill or otherwise."

Mr. S. stated the grounds of his motion; and, after some conversation on the improbability of getting a bill through so late in the session, on a subject which had twice failed at previous sessions, which was Mr. BURRILL's objection to the inquiry; and some explanations by Mr. WILSON and Mr. LOWRIE, relative to the law of Pennsylvania restraining justices of the peace from acting under the charge of runaway slaves, the resolution was laid on the table.

The Senate resumed the consideration of the bill granting to the State of Ohio the pre-emption right to a section of land in certain counties, for county purposes—the amendment reported thereto by the Committee of Public Lands (reducing the quantity to one quarter section) being yet under consideration—

Mr. RUGGLES submitted a few additional remarks against the amendment; when the question was taken, and the amendment agreed to—ayes 15, noes 9.

The bill being reported to the Senate, the amendment was concurred in; and after some further discussion of the merits of the bill, and amendments offered to it—chiefly by Messrs. TRIMBLE, RUGGLES, and EATON—the bill was ordered to be engrossed for a third reading—ayes 19, noes 13.

HEIRS OF E. & W. WINTER.

The bill authorizing the heirs of Elisha and William Winter to institute a suit in equity, in the nature of a petition of right, against the United States, was then taken up in Committee of the Whole.

Mr. SMITH spoke against the impolicy and the bad tendency, though he no longer doubted its constitutionality, of granting this privilege, which, if once admitted, would extend to many other cases; the probable injury and injustice to the interest of the United States, which would grow out of it; and generally against the policy of the privilege, which, though permitted in England, would be an unwise innovation in this country.

Mr. HUNTER replied, that the Land Committee were not the advocates of the petitioners, but had reported this bill, and recommended this course, to relieve themselves from the perilous responsibility of reporting against the United States, in a case involving from one to perhaps three millions of dollars. He argued at some length in support of the equity and the good policy of thus permitting a claimant to establish his claim by petition of right in a court of justice, and against the competency of Congress so far to assume the character of judges as to decide with justice, and

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Alabama District Court.

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with a due investigation, claims of such magnitude, &c.

Mr. VAN DYKE argued, from the nature of this case, that it was such a one as might be decided by the courts without the intervention of Congress, either by an action of ejectment against purchasers of any portion of this land under the United States, or by the claimants themselves entering upon the possession and sustaining a suit to support it. Mr. VAN D. doubted the policy of setting the example proposed by this bill; he thought it a dangerous experiment, and adduced facts and arguments in support of his opinion.

The discussion of this bill enlarged into a debate of wide scope and very considerable length; turning principally on the policy of the bill, unconnected with the merits of the claim, though the validity of the claim was occasionally touched on. The bill was advocated much at length by Messrs. HUNTER, MELLEN, EDWARDS, WILLIAMS, of Tennessee, and JOHNSON, of Louisiana; and was opposed earnestly by Messrs. SMITH, BARBOUR, LANMAN, and DICKERSON.

To try the strength of the bill by a specific motion, Mr. VAN DYKE moved to postpone it to a day beyond the session; which motion was negatived: Yeas 16, nays 19; and

The bill being reported to the Senate, it was ordered to be engrossed and read a third time, by the following vote:

YEAS—Messrs. Brown, Burrill, Dana, Eaton, Edwards, Horsey, Hunter, Johnson of Louisiana, Leake, Lowrie, Mellen, Noble, Otis, Parrott, Pleasants, Ruggles, Taylor, Thomas, Trimble, Williams of Mississippi, Williams of Tennessee, Wilson—22.

NAYS—Messrs. Barbour, Dickerson, Elliot, Gailard, King of Alabama, King of New York, Lanman, Logan, Macon, Morril, Palmer, Roberts Sanford, Smith, Stokes, Tichenor, Van Dyke, Walker of Alabama, Walker of Georgia—19.

WEDNESDAY, April 19.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act for the relief of General James Wilkinson," reported the same, without amendment.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of the heirs of Henry Willis," reported the same, without amendment.

Mr. THOMAS, from the same committee, reported a bill for the relief of the inhabitants of the village of Peoria, in the State of Illinois; and the same was read and passed to the second reading.

The Senate resumed the consideration of the bill regulating the pay of surgeons in the naval service of the United States; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting piracy and other crimes; and, on motion by Mr. BURRILL, it was laid on the table.

The bill to provide for sick and disabled seamen was read a third time, and passed.

The bill granting to the State of Ohio the right of pre-emption to certain sections of land was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill explanatory of the act authorizing the sale of certain grounds belonging to the United States in the City of Washington; and, on motion by Mr. HUNTER, it was laid on the table.

Mr. WILSON, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Lewis H. Guerlain, and the bill was read, and it passed to the second reading.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill entitled "An act to annex certain lands within the Territory of Michigan to the land district of Detroit," reported the same without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing the grade of Rear Admiral in the Naval Service of the United States; and, on motion by Mr. PLEASANTS, it was laid on the table.

Mr. TRIMBLE, from the Committee on Military Affairs, reported a bill further to regulate the medical department of the Army, [requiring of the principal and assistant apothecaries general, bond and security for their faithful conduct, and granting to the surgeon general the privilege of franking official letters;] which was read.

The resolution submitted yesterday by Mr. SANFORD was taken up and agreed to.

The bill for the relief of Thomas Leiper; the bill confirming the proceedings of the inhabitants of Cahokia, in Illinois, in laying out a town, &c.; the bill for the relief of Thomas L. Ogden; and the bill from the other House, authorizing the printing and distribution of the laws of the United States in the Territory of Michigan, were severally taken up, considered, the three first ordered to be engrossed, and all to be read a third time.

ALABAMA DISTRICT COURT.

The Senate took up the message of the House of Representatives, announcing that they insist on their amendments to the bill establishing a district court in Alabama, (reducing the salaries of the judge and marshal, the former to \$1,500, and the latter to \$200.)

Mr. WALKER, of Alabama, moved that the Senate insist on their disagreement to the first of these amendments, and ask a conference thereon.

Mr. BURRILL opposed the motion, and made some remarks against the expediency of insisting in a case of this kind, which might, from the determination evinced by the other House, destroy the bill altogether; when in fact the salary, as reduced by that House, would yet be higher than that of some other judges, &c.

Mr. KING, of Alabama, and Mr. WALKER, of Alabama, replied, and urged the extent of duties which that judge would have to perform, in comparison with others, to show that the salary of \$2,000, proposed by the Senate, would not be too much.

The motion to insist was negatived, and the

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Judicial System—The Navy.

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Senate receded from their disagreement to both the amendments of the House.

JUDICIAL SYSTEM.

The Senate took up, in Committee of the Whole, Mr. WILSON in the Chair, the bill further to extend the judicial system of the United States, introduced some time since by Mr. BURRILL.

This bill embraces a number of provisions touching the powers of the judges, the administration of justice in the courts of the United States, the right of appeal, &c.

Mr. BURRILL reviewed, successively, the different sections of the bill, explaining to the Senate briefly their object, the defects of the present system intended to be remedied, &c. When he had concluded—

Mr. SMITH, for reasons which he stated at large, moved to strike out the following section, being the last in the bill :

*Sec. 8. And be it further enacted, That whenever, upon any indictment, information, or other criminal prosecution, in any State court, the party defendant shall set up in his defence, under the general issue, or otherwise, any right, authority, or duty, claimed and exercised by virtue of the Constitution, treaties, or laws of the United States, and the decision of the court before which the same shall be pending shall be against the validity of such right, authority, or duty, if the same shall not otherwise fully appear of record, the party defendant shall be entitled to file his bill of exceptions to such decision at any time before judgment rendered thereon; and such bill of exceptions, being found true, shall be signed and acknowledged by the same court, or by the presiding judge thereof, and recorded among the records of the court; and in every case where it shall appear of record that the court shall have decided against the validity of such right, authority, or duty, a writ of error shall lie from the judgment rendered on said indictment, information, or other prosecution, to the Supreme Court of the United States, at any time within five years after the rendition of such judgment; and said court shall have full authority to judge therein, and to affirm or reverse the same, as justice and law shall require: *Provided, however,* That no writ of error shall operate as a stay of execution of such judgment, unless the party defendant, during the same term in which judgment shall be passed, shall enter into a recognizance in such State court, in a reasonable sum, with good and sufficient surties, to sue forth such writ of error within thirty days after such recognizance shall be acknowledged, returnable to the next term of the Supreme Court of the United States, which shall be holden after sixty days from the time of the rendition of such judgment, and to prosecute the same writ to effect, and to abide the final judgment and decision of the court rendered thereon; and in default thereof, that such recognizance shall be forfeited; and in case such judgment shall be affirmed, the Supreme Court shall award reasonable costs against the plaintiff in error, and shall remand the cause to the State court for execution, according to the original judgment.*

On this motion a debate of considerable duration arose, in which the motion to strike out the section was advocated by Messrs. SMITH, LOWRIE, LANMAN, and WALKER, of Georgia; and was opposed by Messrs. BURRILL, MELLE, and OTIS.

The motion was finally decided in the affirmative—yeas 14, nays 11; and the bill was then reported to the Senate, and postponed to Saturday.

THE NAVY.

The bill authorizing the building of a certain number of small vessels of war was taken up in Committee of the Whole, where the object of the bill and the necessity of this kind of force was explained by Mr. PLEASANTS, and the blanks being filled, and the bill amended, it was reported to the Senate in the following shape:

Be it enacted, &c., That the President of the United States is hereby authorized to cause to be built and equipped any number of small vessels of war (not exceeding seven) which, in his judgment, the public service may require; the said vessels to be of a force not more than twelve guns each, according to the discretion of the President. And, for carrying this act into effect, the sum of \$60,000 is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be engrossed and read a third time, and the Senate adjourned.

THURSDAY, April 20.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act supplementary to an act, providing for the cases of lost military land warrants and discharges for faithful service," reported the same, without amendment.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," reported the same with an amendment, which was read.

The bill for the relief of Lewis H. Guerlain; the bill for the relief of the inhabitants of the village of Peoria, in the State of Illinois; and, also, the bill further to regulate the medical department of the army, were severally read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of paymasters of the United States' army; and it was referred to the Committee on Military Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill granting the right of pre-emption to actual settlers on the public lands; and, on motion by Mr. WILLIAMS, of Mississippi, it was laid on the table.

On motion by Mr. JOHNSON of Louisiana, the petition of the inhabitants of the Parish of St. Mary's, in the State of Louisiana, praying that the custom-house for the district of Teche may be removed from Nova Iberia and established at the village of Franklin, upon the bayou Teche, in the said parish, was referred to the Secretary of the Treasury to consider and report thereon to the Senate.

The bill entitled "An act to authorize the Secretary of State to cause the laws of Michigan Territory to be printed and distributed," was read a third time, and passed.

The bill confirming the proceedings of the in-

habitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village, was read a third time, and the further consideration thereof was postponed.

The engrossed bill to authorize the legal representatives of Elisha Winter and William Winter to institute a bill in equity in the nature of a petition of right against the United States, was read a third time, and, on motion by Mr. VAN DYKE, the further consideration thereof was postponed until Monday next.

The bill for the relief of Thomas L. Ogden and others was read a third time, and passed.

The bill for the relief of Thomas Leiper was read a third time, and passed.

The bill authorizing the building of a certain number of small vessels of war was read a third time, and passed.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill entitled "An act for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased," reported the same without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to an act, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive; and, on motion by Mr. WALKER, of Alabama, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to appropriate a room or rooms in the custom-house now erecting in the city of New Orleans, to the use of the district court of the United States for the State of Louisiana; and, on motion by Mr. KING, of Alabama, it was laid on the table.

On motion by Mr. RUGGLES, the Committee of Claims were discharged from the further consideration of the petitions of Antoine Brown and of George Harpole.

Mr. DICKERSON, from the committee to whom the subject had been referred, reported a bill to limit the term of office to four years of certain officers, [collectors of the customs, district attorneys, navy agents, registers, receivers of public money, paymasters, pursers, naval officers, port surveyors, &c.] which was read.

The Senate resumed the consideration of the bill granting certain privileges to the Ocean Steamship Company of New York; and, no amendment being offered to the bill, the question was taken on ordering it to a third reading, and decided in the negative—yeas 11, nays 12.

The bill for the relief of Matthew McNair, and the bill for the relief of Elizabeth Braden, were severally considered in Committee of the Whole, and ordered to a third reading respectively.

The bill to change the port of entry for the district of Teche, in Louisiana, was taken up, and, on motion of Mr. DICKERSON, postponed indefinitely.

ROADS AND CANALS.

The Senate then took up, in Committee of the Whole, (Mr. KING, of Alabama, in the Chair,) the

bill "to authorize the appointment of certain commissioners to lay out the road and canals therein mentioned;" which was reported from the Committee on Roads and Canals by Mr. KING, of New York, on the 4th instant, to which committee had been referred the memorials on the subject from the Legislatures of Ohio, Indiana, Illinois, &c. The bill is as follows:

Whereas, by the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois, the lands of the United States may become more valuable—

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three impartial and judicious persons, not being citizens of any of the States aforesaid, to be commissioners, and, in case of the death or resignation of any of them, to appoint other and like persons in their place, who shall have power carefully to examine the country between Wheeling, in the State of Virginia, and a point on the left bank of the Mississippi river, to be chosen by said commissioners, between the —, and to lay out a road from Wheeling, aforesaid, to the point so to be chosen on the left bank of the river Mississippi; the said road to be on a straight line, or as nearly so as, having a due regard to the condition and situation of the ground and water-courses over which the same shall be laid out, shall be deemed expedient and practicable. And said commissioners shall have power to employ able surveyors, chainbearers, and other necessary assistants, in laying out said road. The said road to be eighty feet wide, and designated by marked trees, stakes, or other conspicuous monuments, at the distance of every quarter of a mile, and at every angle of deviation from a straight line. And the said commissioners shall cause to be made, and delivered to the President of the United States, an accurate plan of said road, so laid out by them as aforesaid, with a written report of their proceedings, describing therein the State lines crossed, and the marks, monuments, courses, and distances, by which the said road shall be designated; describing also the water-courses, and the nature and quality of the ground over which the same shall be laid out; they shall, moreover, divide said road into sections of not more than ten, nor less than five miles long, noticing the materials that may be used in making, and giving an estimate of the expense of making each section of the road aforesaid.

Sec. 2. And be it further enacted, That, in order to open the communication and promote the intercourse between the States, the President of the United States be, and he is hereby, authorized to appoint three impartial and judicious persons, not being citizens of either of the States of Maryland, Delaware, or New Jersey, to be commissioners, and, in case of the death or resignation of any of them, to appoint other and like persons in their place, who shall have power to employ such able surveyors, chainbearers, and other assistants, as they may deem necessary, and they shall proceed carefully to view and examine the route of the Chesapeake and Delaware Canal, as already laid out, together with the adjacent country; and, also, the route of the proposed canal from the tide waters of the river Delaware to the tide waters of the Raritan river, in the State of New Jersey; and, upon such view and examination, to determine whether said canals, respectively, be laid out in such places in such manner as will best promote the general interests of the United States, and whether the same ought to be

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varied or altered in any respect, either in regard to the route, plan, or dimensions of the canals; and also to estimate the expense of making and finishing said canals. And the said commissioners shall cause to be made accurate plans of said canals, and make report, in writing, of their proceedings and opinions, with an estimate of the expense of making and completing said canals, to the President of the United States, to be by him communicated to Congress.

Sec. 3. *And be it further enacted*, That the commissioners, surveyors, chainbearers, and other necessary assistants, to be appointed in pursuance of this act, shall severally take an oath, or affirmation, faithfully and diligently to perform their respective duties, and shall receive, in full compensation for their services and expenses, each commissioner — dollars, each surveyor — dollars, and each other necessary assistant — dollars, for each day in which they shall be necessarily employed in the service aforesaid: *Provided always, and it is hereby further enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or to defray the expense of making, the roads and canals hereby authorized to be examined or laid out, nor of any of them, nor of any part of any of them.

Sec. 4. *And be it further enacted*, That — thousand dollars be, and are hereby, appropriated to defray the expense of laying out the roads and canals aforesaid.

Mr. KING, of New York, offered some remarks in support of the utility of the objects embraced by the bill, its general expediency, &c., and after some discussion rather on the question of connecting in one bill the different objects it embraces—

Mr. OTIS moved that the further consideration of the bill be indefinitely postponed; which motion was decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Brown, Burrill, Eaton, Elliot, Gaillard, Johnson of Louisiana, King of Alabama, Leake, Macon, Mellen, Morrill, Otis, Palmer, Pleasants, Smith, Walker of Alabama, Walker of Georgia, and Williams of Tennessee—19.

NAYS—Messrs. Dana, Dickerson, Edwards, Horsey, Hunter, Johnson of Kentucky, King of New York, Lanman, Lowrie, Noble, Parrott, Roberts, Ruggles, Sanford, Stokes, Taylor, Thomas, Trimble, Van Dyke, Williams of Mississippi, and Wilson—21.

And the Senate adjourned.

FRIDAY, April 21.

Mr. HORSEY presented the memorial of the citizens of Alexandria, against any innovation in the judicial system of the District of Columbia; and the memorial was read, and referred to the Committee on the District of Columbia.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the bill for the relief of paymasters of the United States' army, reported the same without amendment.

The bill to limit the term of office to certain officers therein mentioned, and for other purposes, was read the second time.

A message from the House of Representatives

informed the Senate that the House have passed a bill, entitled "An act to establish an uniform mode of discipline and field exercise for the militia of the United States," in which they request the concurrence of the Senate. They have also passed the bill which originated in the Senate, entitled "An act to provide for clothing the Army of the United States in domestic manufactures, and for other purposes," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendments, and, on motion by Mr. DICKERSON, they were laid on the table.

The bill last brought up for concurrence was twice read, by unanimous consent, and referred to the Committee on the Militia.

The Senate resumed the engrossed bill confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village, it having been previously read a third time; and the bill was then passed.

Mr. LOGAN, from the select committee, to whom was referred the resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line, reported the same without amendment.

THE PRESIDENT communicated the report of the Secretary of the Treasury on the petition of John M. Chapron and others, French emigrants, engaged in cultivating the vine and olive in Alabama, adverse to any relaxation of the act authorizing the grants to them.

The Senate resumed, in Committee of the Whole, the consideration of the bill to appropriate a room or rooms in the custom-house now erecting at New Orleans, to the use of the district court of the United States for the State of Louisiana, and having been amended and reported to the Senate, some debate took place on the merits of the bill, in which its expediency was opposed by Mr. EATON, and was supported by Mr. BROWN; after which the bill was ordered to be engrossed and read a third time.

The engrossed bill for the relief of Matthew McNair, and the bill from the other House, for the relief of Elizabeth Braden, were severally read the third time, passed, and sent to the other House.

Mr. WILLIAMS, of Mississippi, from the Committee on the Public Lands, reported a bill to revive the power of the commissioners for ascertaining and settling land claims, in the district of Detroit, at Green Bay, and at Prairie des Chiens; which was read.

The bill for the relief of Richard Smyth (for the settlement of his accounts as army paymaster) was taken up, and, after some discussion of the case, the bill was ordered to a third reading, by yeas and nays, 23 to 10.

The bill for the relief of Matthew Lyon was taken up, and after some remarks by Mr. BARBOUR on the propriety of a general provision for such cases, as proposed by his resolutions, the bill was postponed to Monday.

The Senate next took up the bill from the other

House, "in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," respecting transfers of appropriations, and carrying surplusses of appropriations to the sinking fund.

The object of the bill, and the circumstances which rendered it expedient, were explained to the Senate, by Mr. SANFORD, considerably in detail; after which, the bill was ordered to be read a third time; as was also the bill from the other House, for the relief of John Steele.

Mr. ROBERTS moved that the Committee of Claims be discharged from the further consideration of the petition of Jacques Villere, for certain losses sustained by the operations of the American Army near New Orleans, in 1814—1815.

Mr. JOHNSON, of Louisiana, opposed the motion, and supported the justice of the claim to indemnity; stating that, besides these losses, which were of a character always indemnified by Government, Governor Villere had sustained other losses, at the same juncture, of perhaps \$100,000, for which he set up no claim, &c. The motion was not finally decided to-day.

A Message was received from the President of the United States, transmitting, from the Secretary of State, copies of the correspondence between the Ministers or agents of the United States and the Ministers or Government of Sweden, relative to the seizures, sequestration, or confiscation, of the ships or other property of the citizens of the United States, under the authority of Sweden.

The Message and documents were ordered to be printed.

OCEAN SMEAMSHIP COMPANY.

Mr. LEAKE observed that he had voted with the majority yesterday on a question which had rejected the bill to grant certain privileges to the Ocean Steamship Company of New York. At the time that question was taken, there was a bare quorum of the Senate, and the bill had been lost by but one vote; desiring to give the bill an opportunity of being decided by a fair expression of the sense of the Senate, as well as because he was not perfectly satisfied with the vote of yesterday, he moved the reconsideration thereof. This motion was agreed to—ayes 23—and then the question recurred on ordering the bill to be engrossed for a third reading.

A good deal of debate took place on the merits of the bill; in which it was opposed by Messrs. PARROT, WILSON, DANA, and MORRIL, for various reasons—on account of its conferring exclusive privileges on a particular company; of not confining the company to American citizens alone; of its interference with the coasting navigation of the country, which ought to be encouraged, as the nursery of seamen, &c. The bill was advocated by Messrs. DICKERSON, SANFORD, KING of New York, and OTIS, on the ground of the great importance of the experiment which it proposed to encourage; that, if successful, it would never be used for the transportation of any thing but passengers to such an extent as to compete with or injure the navigating interest of the country; that the Kendal

coals of England, on the consumption of which by the steamships of the company it was proposed to allow a drawback, was the only kind which could be used without injury to the metal apparatus of the ships, &c. This last feature however, Mr. OTIS moved to strike out; which motion was agreed to—ayes 19, noes 12; and the bill, thus amended, was ordered to be engrossed and read a third time—ayes 20.

MONDAY, April 24.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the sale of thirteen sections of land, lying within the land district of Canton, in the State of Ohio;" and, also, a resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution; in which bill and resolution they request the concurrence of the Senate.

The said bill and resolution were read, and severally passed to the second reading.

The bill, entitled "An act authorizing the sale of thirteen sections of land, lying within the land district of Canton," was read the second time, by unanimous consent, and referred to the Committee on Public Lands.

The resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution, was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bills from the other House, in addition to the acts for the establishment and regulation of the Executive Departments, and for the relief of John Steele, were severally read the third time, passed, and sent to the other House.

The bill to amend the judicial system of the United States was taken up, and, on motion by Mr. LOWRIE, it was postponed to a day beyond the session, by the casting vote of the gentleman in the Chair, (Mr. KING, of Alabama); and the bill was of course rejected.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of John Dougherty, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition.

On motion by Mr. EATON, George Harpole had leave to withdraw his petition.

The bill to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay, and Prairie des Chiens, in the Territory of Michigan, was read the second time.

The bill to appropriate a room & rooms in the custom-house now erecting in the city of New Orleans, to the use of the district court of the United States, for the State of Louisiana, was read a third time, and passed.

The bill granting certain privileges to the Ocean Steamship Company, of New York, was read a third time, and passed.

The Senate resumed the consideration of the

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bill regulating the pay of Surgeons in the Naval Service of the United States; and the further consideration thereof was postponed until to-morrow.

The bill for the relief of Richard Smyth was read a third time, and passed.

HEIRS OF E. & W. WINTER.

The bill to authorize the heirs of Elisha and William Winter to file a petition of right against the United States was again taken up.

Mr. VAN DYKE moved to recommit the bill to the Judiciary Committee, with instructions so to modify it as to provide for taking testimony and obtaining evidence in relation to the said claim, as well on the part of the claimant as of the United States, to be laid before Congress.

The motion was opposed and the bill supported by Messrs. JOHNSON, of Louisiana, and DANA, and supported by Messrs. MORRIL and WALKER, of Georgia; the last of whom was averse to the bill itself.

The amendment was agreed to—ayes 19, noes 15, and the bill was recommitted accordingly.

DISTRICT BANKS.

Mr. MORSEY, from the Committee on the District of Columbia, to which was referred the bill from the House of Representatives to alter and extend the charters of the banks in the District of Columbia, made a report, accompanied by the following substitute by way of amendment to the bill:

"That the charters of the several incorporated banks, in the District of Columbia, now paying specie which shall expire before the first day of January, 1822, be, and the same are hereby, extended to that time, any thing in the said charters to the contrary notwithstanding: *Provided*, That this act shall be of no force or effect till a majority in interest of the stockholders of the several banks whose charters may be hereby extended, shall file their declarations, in writing, in the office of the Secretary of the Treasury assenting to, and accepting the benefit of, this act."

The report and amendment were read, and made the order for Wednesday next. The report is as follows:

The Committee for the District of Columbia, to whom was referred the bill from the House of Representatives, entitled "An act concerning the banks in the District of Columbia, and for other purposes," respectfully submit the following report:

Without noticing many of the modifications and conditions of the bill, most of which the committee approve, they beg leave to call the attention of the Senate to its principal provisions. These are two: First, an extension for five years, of all the charters of the several incorporated banks in the District of Columbia, which now pay, on demand, their notes in specie; secondly, a plan of consolidation for reducing the number of banks to two in each town.

As to the first, the committee doubt the expediency of extending the existing charters for so long a period as five years, conceiving, as they do, a more immediate reduction of the number of banks in the District, and, consequently, of their expenses, to be of great importance to the interest of the stockholders as well as of the public.

A reason, however, of more decisive influence with the committee, is, that it does not appear the present applications for an extension of the several charters, proceeded from the stockholders, or by virtue of any direction or authority from them, no general meeting of the stockholders having been called, or other proper steps taken, to obtain an expression of their sense respecting the measure proposed. On the contrary, the applications appear to have been made by the several presidents and directors, without their pretending to have received any such directions or authority from the stockholders. The committee do not consider it altogether correct legislation to countenance the exercise of such a right on the part of directors. But the bill goes farther: it not only admits the directors thus to apply for a renewal of the bank charters, but also to assent to and accept such renewals; with all the modifications, restrictions, and conditions, which may be imposed. This is conferring on the directors the right to exercise a power, of all others the most important to the stockholders, and which it is believed to be their peculiar right to exercise.

Concerning the provision which relates to consolidation in other banks, desirous as the committee are to see the number of banks reduced, they doubt whether the present plan would be attended with entire success.

A due regard does not appear to have been paid to the principles of equality and reciprocity, and the committee fear that the provisions of the bill are rather too coercive for a plan, the success of which must so materially depend on a spirit of compromise and of amicable arrangement among the stockholders of the several banks; at a time, too, when stockholders have but small inducements to wish an extension of their charters.

The committee deem it their duty further to state, that there appears to be considerable division of opinion among the directors of the several banks respecting the bill. The directors of the banks generally in Alexandria being in favor of it, those of Washington somewhat divided, and those in Georgetown generally opposed.

On the whole, the committee, after giving to the subject their best reflection, have come to the conclusion that it would probably be more conducive to a spirit of amicable arrangement among the several banks, and the accomplishment of the important object in view, to do no more for the present, than to extend the charters of such of the banks as expire before the first day of January, 1822, to that time; that being the period when the charters of most of the banks in the District expire; so that all may expire at one and the same time, in the hope and expectation that, by the next meeting of Congress, general meetings of the stockholders will be called, and their sense duly taken on this, or some other plan, for reducing the number of banks in the District more likely to insure unanimity, and to impart general satisfaction.

DUELLING.

The following resolutions, submitted by Mr. MORRIL on the 12th instant, were taken up for consideration:

Resolved, That the practice of duelling is inhuman, immoral, and censurable.

Resolved, That the President of the United States would be justifiable in striking from the rolls of the Army and Navy the names of all persons thereon, who

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have been, or hereafter may be, directly or indirectly engaged in a duel, or who may have been, or hereafter may be, in any way or manner accessory thereto.

Mr. MORRIL addressed the Chair as follows:

Mr. President, it is with deep regret that I feel myself compelled to ask the attention of the Senate to the consideration of the resolutions which I have had the honor to present. Nothing but an irresistible conviction of propriety, and solemn sense of duty to my God and country, would induce me to offer my views on this occasion; because, I am not insensible of a diversity of opinion, and the reluctance of many to agitate the subject. But, when I reflect upon the attributes of that Divine Being who has created and sustains all worlds and creatures, on whom we are dependent, and unto whom we are under infinite obligations of love and obedience, I cannot persuade myself to refrain. The obvious purposes of our existence as rational beings are too apparent to admit a doubt.

For what end were we created? Certainly not to annoy, murder, and massacre one another; but to aid and assist one another, and, by kind offices and paternal acts, to promote our peace, prosperity, and happiness. Mankind are created moral beings, with capacious powers and faculties of mind, by which they are rendered capable of contemplating sublime subjects, entering into connexions, and forming important associations, by which individual and general happiness may be enjoyed and extensively diffused. These being the powers and abilities of the human race, the idea of dependence irresistibly connects with them those of duty and obligation, not only to the Supreme Parent of the Universe, but the several members of the great family of man, of which we are component parts. These are immutable in their nature and eternal in their duration, and cannot be cancelled by pride, ambition, nor caprice.

These being my views, I hope the Senate will pardon me for again introducing the subject—unpleasant in itself, and unpleasant in its consequences. It cannot be forgotten that, some one or two years ago, I had the honor to offer a resolution not materially different from that on your table, which rose from an event similar to that which has given rise to the resolutions now before the Senate. With an accommodating disposition on my part, I consented to vary that resolution to suit the views of honorable gentlemen; but, being committed, it unexpectedly passed off without particular consideration.

During the last session of Congress, at the door of your Capitol, another event of the kind occurred, though not precisely of the same magnitude: some of inferior grade, having caught the fire of honor, must resort to the devoted ground, and there settle the great question of private controversy by single combat, which, fortunately, from agitation or want of skill, terminated gloriously, without wound or bloodshed.

But, Mr. President, at this time something more serious has attracted our attention and excited our feelings. The recent duel between Commodore Decatur and Commodore Barron is the only apology I offer for again introducing this subject.

The sentiments which I entertain are expressed in the resolutions before you, and their connexion will induce me, as I proceed, to apply my remarks to them both. That the first resolution contains abstract propositions I admit, and needs but little illustration; but they are no less true and important in themselves, and their bearings upon individuals and community.

Humanity is an exercise of tenderness, benevolence, and kindness, toward our fellow creatures, by which their wants are relieved, their persons protected, and their prosperity promoted.

The exercise of these is essential to that degree of felicity for which we are completely competent in this life, and which is our duty, and ought to be our object, to attain. These, I presume, are principles which no contemplative mind will deny.

What is the character of the act by which the life, perhaps the most useful life, is wantonly taken by a fellow-citizen? The tender feelings of the human kind many times recoil to see the tremors of an expiring brute, but what must be their sensations to behold the agonies of death upon one of Heaven's fairest sons, struggling under the pains of dissolution occasioned by the fatal act of a brother of the same family? Callous, indeed, must be the heart, and indifferent those feelings, which do not burst forth in abhorrence and indignation.

Reason, the handmaid of the best faculties of the polished and improved mind, revolts at this act of violence; she retires from the scene, laments the depravity of the human race, and desires to cast the mantle of oblivion over the barbarous acts of deluded man.

Conscience, that judicious inquisitor, enthroned in the breast of our species, unreservedly pronounces guilt, with all its concomitant consequences. No well-informed faculty of the human mind, unbiassed by prepossession, will volunteer its aid to sustain the rude deed of violence.

Its only support, then, is found in fallacious arguments, arising from misconceived opinions of human honor.

But, sir, it is contrary to the laws of your army and navy. If it be no crime, not improper, why have you laws against it, and regulations to prevent it? Is it not repugnant to the universal voice of community? Does not the nation speak one language on this subject? The country proclaims a law irresistible in this case. Where can you find a sentence on the practice, in any of your periodical publications, which does not, directly or indirectly, pronounce a censure on the crime? Some of the States, to arrest the progress of an evil so unjustifiable, have passed laws well calculated to suppress it. Among these is the State of Virginia; and, to the immortal honor of the gentleman (Mr. BARBOUR) whom I now have in my eye, was that bill introduced—an act which I shall ever revere, and which, I hope, will never be forgotten by his State nor his country.

Let the opinion of the Senate, then, be expressed in accordance with that of the civilized world, and thereby aid the cause of humanity and reformation.

The immutable principles of morality reprobate

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the practice. Every pernicious indulgence, which tends to corrupt society, weakens that community, and enervates the Government. This Government, more than any other, needs the cement of those great moral principles which connects individuals, and unites and binds in one solid fabric the great political body. Knowledge and virtue form the grand basis on which a prosperous republic is erected, and the only ground on which its perpetuity can be justly anticipated; and, in the same proportion, if these are disregarded and neglected, the body politic is contaminated, its vigor reduced, and its existence endangered.

But this practice demoralizes society, as it obscures human reason, darkens the understanding, stupifies the conscience, and sets at defiance the laws of God and man. It undervalues human life, and, by its demoralizing consequences, prepares the way for the commission of murder, assassination, and that train of evils which is the natural result of the worst passions, nourished by pernicious sentiments and habits.

Permit me to bring to your view a remark made respecting the assassination of the Duke de Berri. "Our readers will agree in opinion with the Count de Labourdonnaye, that the atrocious crime is clearly to be traced to those liberal writings, which, in France and England, have aimed at the extinction of all just and moral feelings."

What better can be expected from those who pursue a course in direct violation both of divine and human laws? "Thou shalt not kill," is a divine command; and "Whoso sheddeth man's blood, by man shall his blood be shed."

I am not insensible, sir, that a disquisition on ethics may be cold, insipid, and unpleasant; but, according to my views of the subject, I hope to be indulged to express an opinion.

But, sir, I am disposed to examine the subject in another, and perhaps more acceptable point of light. I wish to have the practice suppressed, because many times the most useful and valuable men are sacrificed. It prevails more generally in the army and navy, and among men high in rank and estimation. Their native talents have been cherished and expanded in the school of their country, by which they are identified with the property, prosperity, and interest of the nation.

The nation has taught and employed them, by which they have acquired that knowledge and skill which render them respected and useful. For this aid, protection, and honor, they are indebted to their country; and this country has a claim to their services, to whom they owe a duty that cannot be cancelled by pride nor vanity. The life and talents of a public officer, thus situated, are not at his own disposal—they are pledged to his country.

These are the men the nation wants—men of tried courage and bravery—that confidence may be inspired in those whom, in the hour of danger, they may command; "a name is often but another word for victory." Are talents thus enlarged and improved the property of the nation; is it not the highest duty of the nation to protect this property, and secure it against invasion? Is not the Gov-

ernment bound to arrest the progress of an evil by which its best blood is lost, and its most important interests threatened? Let the practice continue unmolested, and it acquires countenance, and its votaries strength; and, by imperceptible progress, becomes the common law of the country.

But there is another reason which ought to have influence in this case: The vilest characters may destroy the best of men. For, on the principles assumed, they are no more exempt than the most base of the human race. The false rules of honor apply with equal force to the useful and the brave, as to him who is worthless and a mere nuisance in society. There is, then, neither safety nor protection where false principles predominate, and are controlled by passion, prejudice, or caprice. Unimportant things, under such influence, impel to the fatal contest; and even things not true, by perversion and misapplication, are made the occasion of dreadful consequences. This is true in the instance to which I have referred. Barron charged Decatur with using certain improper expressions; which, however, Decatur immediately disclaimed; but they were made the occasion of their unhappy meeting. Hence the necessity of the interposition of some effectual remedy to prevent occurrences so destructive and censurable; otherwise you prostrate, at the mercy of the rudest passions which can predominate in the depraved breast, the lives of your most valuable and useful citizens.

If my remarks are not correct, why have you laws and regulations on the subject? And if they are, is it not proper to interpose and make those regulations effectual to accomplish their object? The safety the interest, and the honor of the country require the adoption of a course which shall bring into contempt the practice of duelling. "For, as a fool dieth, so they die."

It may be said it is not necessary, because the President has power already to strike from the rolls of the army and navy such offenders as he may think proper. Admit the fact; but we are taught from experience that this does not render the expression of an opinion on the subject unimportant. We are too well acquainted with human nature, and the frailty of man, to believe any one will take a responsibility upon himself that he can possibly avoid. Merely from this circumstance, then, there is no reason to calculate upon any important reform. The connexion subsisting between the commander-in-chief and the subordinate officers, is of such a nature as to preclude a probability of a radical amendment.

Resolutions on the subject present to the world our views of the practice, at the same time they tend to sustain the President in any course he may be disposed to pursue. This, by dividing the responsibility, relieves the commander-in-chief of a burden, which he must otherwise endure, arising from the discharge of a duty that he owes to himself and his country.

This object cannot be effected by punishment. It is a vain thing to think about shooting or hanging persons for this offence, (more especially if never performed;) death, in any of its most hideous forms, is altogether insufficient to deter him who

can be impelled, under any circumstances, to present himself a mark in single combat. No, sir, the practice must be rendered disgraceful; this, and this alone, will be sufficient to preponderate against the fallacious arguments and absurd notions of false honor.

But, Mr. President, I have an additional inducement to revive this subject at this time. Decatur is sacrificed—he is gone! And lamentable to relate, he has fallen a martyr at the shrine of false honor; a victim to principles founded on mistaken notions of true greatness, of real magnanimity of soul. Yes, sir, he who, before the walls of Tripoli, the British Macedonian, and in every instance where skill and courage could be displayed, maintained the independence and glory of the American eagle; he who ranked among the first sons of Neptune, high in his country's esteem, calm and unmoved in danger, collected, manly, and noble in victory, is fallen! But, sir, he considered himself bound by his own rules. Fatal error! "I do not think that fighting duels, under any circumstances, can raise the reputation of any man, and have long since discovered that it is not even an unerring criterion of personal courage. I should regret the necessity of fighting with any man; but, in my opinion, the man who makes arms his profession is not at liberty to decline an invitation from any person who is not so far degraded as to be beneath his notice. Having incautiously said I would meet you, I will not consider this to be your case, although many think so; and if I had not pledged myself, I might reconsider the case."*

Here we see, with reluctance and regret he repaired to the fatal spot, the devoted field of slaughter; being under an imaginary obligation, by the incautious adoption of erroneous principles, no affection to his family, no love of country, nor attachment to life, with all its enjoyments, was sufficient to outweigh his preconceived opinions: "I am bound by my own rules, to them I must submit." "In my opinion, the man who makes arms his profession is not at liberty to decline an invitation from any person who is not so far degraded as to be beneath his notice."

Decatur is no more—he sleeps in silence! His trophies fade with his countenance, and wither in his death! He is borne to the tomb, the asylum of the dead! The navy and the country sustain a loss which possibly might have been avoided, if such measures had been seasonably adopted as were within the power of the Government.

For a moment reflect on the consequences. See the rolling tears and heart-rending grief of a bosom companion! Imagine the distress of a disconsolate family! Behold the crowd of weeping connexions, mourning around the pale, the lifeless corpse!

Is this all? See a weeping country! Behold the footsteps of thousands, watered with tears, marching to the receptacle of the dead! See your ships clad in mourning, and their officers with the badges of lamentation! All this, and more than this, growing out of an event repugnant to all moral

feeling, and censured by every reflecting mind acting in its individual capacity.

Sir, shall we be silent, and not attempt to arrest the progress of an evil thus destructive; an act which fastens reproach upon survivors, and a stigma on posterity? Will you stand an indifferent spectator, and see your officers swept from your army and navy in this ruthless manner, and not say to the devouring despot, "Thou shalt go no further?"

Sir, let a man believe duelling justifiable on any principle, or under any circumstances, and no military glory, no lustre of character, no ardor of friendship, no conjugal affection, no attachment to life, no love of country, and desire to promote its honor and prosperity, will shield him from the deadly combat.

Mr. WILLIAMS, of Tennessee, moved to lay the resolutions on the table, believing, in regard to the first resolution, that it was a waste of time to be arguing abstract propositions; that in regard to the second, the President already had the power vested in him by law to do what was proposed; and that if he had neglected to execute the law, and it was intended to take any step in relation to it, he ought to be approached in a different way.

The motion prevailed, without a division, and the resolutions were ordered to lie on the table accordingly.

ROADS AND CANALS.

The bill to authorize the appointment of commissioners for laying out a road from Wheeling to the Mississippi, by the seats of Government of Ohio, Indiana, and Illinois, (being a continuation of the Cumberland road,) and for surveying and marking out the course of certain canals between the Chesapeake and Delaware bays, and the Raritan, &c., was taken up in Committee of the Whole, Mr. KING, of Alabama, in the Chair.

Mr. OTIS, with the view of avoiding all difficulty which might grow out of a difference of opinion between the Legislature and the Executive, as to the Constitutional power of providing for these improvements, by leaving that part of the bill which relates to the road itself, which object had been authorized by the compact with the Territory Northwest of the Ohio, and since recognised by acts of Congress; and to separate two objects which involve very different considerations, though not in his mind, &c., moved to recommit the bill with instructions to strike out that section thereof which relates to the canals; which object, he said, could be brought forward in a separate proposition, and the provision for the road be permitted to proceed.

Mr. DICKERSON opposed the motion, and supported the Constitutional power, as well as great expediency, and the small expense requisite, for making the surveys directed by the bill for canals.

The motion was supported by Mr. NOBLE and by Mr. R. KING—the former fearing that the connexion of the two subjects in one bill might retard, if not defeat, the part concerning the road; and the latter, on the ground that as the two subjects involved in the minds of some different consider-

* Decatur's letter to Barron.

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ations, they had better be separated, and a bill reported for each object by itself.

The question was first taken on recommitting the bill, and agreed to—ayes 27; and that part of the motion to instruct the committee to strike out the section was negatived—leaving the committee to report as they might think proper.

REVOLUTIONARY PENSION ACT.

The Senate proceeded to the consideration of the bill from the House of Representatives, supplementary to the Revolutionary pension act of March 18, 1818—the following amendment, reported by the Committee on Pensions, being under consideration, viz: "That no person shall receive any pension under this act who shall derive from the United States, as a salary for services, or as perquisites of any office, — dollars per annum."

After some conversation on the expediency of this amendment, it was agreed to; when

Mr. VAN DYKE, on the ground that the provision of the bill which requires each pensioner to furnish a schedule of his property, and directs an entire review and revision of the justice of the cases now enrolled on the pension list, amounting to seventeen or eighteen thousand, would be unreasonable and hard on the great mass of them who, it should be presumed, were rightfully placed there, and received the benefits of the act; the great labor it would uselessly throw upon the Government and the judges, as well as the great delay and the expense to the applicants, &c., moved to amend the first section of the bill, so as to authorize the inquiry and revision in those cases only where cause therefor should appear sufficient to the Secretary of War.

This proposition gave rise to a debate which continued, without terminating, till after four o'clock; in which the motives, the policy, &c., of the act of March, 1818, as well as the right and expediency of repealing or modifying it, were all widely discussed. The amendment was advocated by Messrs. VAN DYKE, WILSON, MELLEN, BURRILL, OTIS, and DANA; and was opposed by Messrs. WALKER of Georgia, EATON, ROBERTS, BARBOUR, and SMITH. The question was not taken before the Senate adjourned.

TUESDAY, April 25.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act extending the time for the redemption of land sold for direct taxes in certain cases;" the bill, entitled "An act for the relief of Samuel B. Beall;" and also the bill, entitled "An act for the relief of Martha Flood," reported the same, respectively, without amendment.

Mr. MELLEN submitted the following motion for consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire what measures it may be expedient for Congress to adopt respecting the importation of plaster of Paris from the province of New Brunswick, in consequence of a duty lately imposed by its Legislature on the exportation of that article from certain parts of said province.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred the bill, entitled "An act authorizing the sale of thirteen sections of land, lying within the land district of Canton, in the State of Ohio," reported the same without amendment.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of John Dougherty; and in concurrence therewith, the petitioner had leave to withdraw his petition.

Mr. KING, of New York, from the Committee on Roads and Canals, to whom was recommitment the bill to authorize the appointment of commissioners to lay out the road and canals therein mentioned, reported the same with amendments, which were read.

He further reported a bill to authorize the appointment of commissioners to examine the canals therein mentioned; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to continue in force an act to protect the commerce of the United States and to punish the crime of piracy, and also to make further provision for punishing the crime of piracy: and no amendment having been made thereto, it was reported to the House, and ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Matthew Lyon; and on motion, by Mr. WILSON, it was laid on the table.

Mr. JOHNSON, of Kentucky, presented the petition of Nicholas Boilevin, praying remuneration for property destroyed during the late war with Great Britain, by the enemy, as stated in the petition; and also, the petition of John Clemore, of John Rimoe, and of John Cardinal, praying compensation for lost horses; and the petitions were severally read, and laid on the table.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution, reported the same without amendment.

Mr. SMITH, from the same committee, to whom was referred a resolution of the Senate instructing them to inquire into the state of the Journals of the Senate preceding the year 1814, made a report; which was read.

REVOLUTIONARY PENSION ACT.

The Senate then resumed, in Committee of the Whole, (Mr. WALKER, of Alabama, in the Chair,) the bill in addition to the Revolutionary pension act of 1818—Mr. VAN DYKE's amendment to confine the revision of pensions, the examination of the circumstances of the pensioners, &c., to special cases, concerning which the Secretary of War shall entertain doubts, or such as he may deem there is sufficient cause to justify an inquiry into, being still under consideration.

The debate was resumed on the merits of the act of 1818, as well as on the amendment, and continued some time, chiefly by Mr. OTIS for the

amendment, and Mr. SMITH against it. The question being taken on the amendment, it was decided in the negative, as follows:

YEAS—Messrs. Burrill, Dana, Edwards, Hunter, Johnson of Kentucky, King of New York, Lanman, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Ruggles, Sanford, Tichenor, Van Dyke, and Wilson—18.

NAYS—Messrs. Barbour, Brown, Eaton, Elliot, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Noble, Pleasants, Roberts, Smith, Stokes, Taylor, Thomas, Trimble, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—23.

Mr. MORRILL then moved to amend the bill by inserting the following proviso, the words thereof in italics being added on the motion of Mr. MELLLEN:

And provided, also, That in all cases in which any pensioner, and two or more credible and disinterested citizens, not relatives, whose credibility shall be certified by the court, or some judge or justice thereof, before whom such testimony may be taken, will give affidavit that they are well acquainted with the circumstances of said pensioner, and that they fully believe the whole value of all his real and personal estate, exclusive of debts, has not at any time since the 18th March, 1818, exceeded the sum of — dollars, shall, on transmitting said affidavit, so certified, to the Department of War, at any time within six months from the passing of this act, be exempted from complying with the foregoing provisions of this section.

This amendment likewise produced a good deal of debate, in which it was advocated by Messrs. MORRILL, MELLLEN, BURRILL, OTIS, and VAN DYKE, and was opposed by Messrs. EATON, ROBERTS, and MACON; and the amendment was finally rejected by a considerable majority.

Mr. RUGGLES moved to recommit the bill, with instructions to reduce the amount of pension now allowed by law, deeming this course preferable to the bill, as it stood; but the motion was lost.

Mr. WILSON then moved the indefinite postponement of the bill; which motion was negatived by yeas and nays—yeas 18, nays 23, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Hunter, Johnson of Kentucky, King of New York, Lanman, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Ruggles, Sanford, Tichenor, Van Dyke, and Wilson—18.

NAYS—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Pleasants, Roberts, Smith, Stokes, Taylor, Thomas, Trimble, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—23.

Various propositions to amend the bill were made, in the discussion of which the merits and demerits of the act of 1818 continued to enter largely into view, as well as the merits of the motions immediately under consideration. Messrs. TICHENOR, RUGGLES, and KING, of New York, in addition to the gentlemen named above, participated in these discussions. All attempts to modify the bill in any manner having failed—many of those who opposed the amendment doing so from a fear of endangering the bill—the bill was at length reported to the Senate.

Mr. BURRILL then moved an amendment, (offered by Mr. MELLLEN in Committee of the Whole, but negatived there by the casting vote of the chairman,) which was, with "his necessary clothing and bedding," the articles allowed to be excepted in the schedule to be furnished by the pensioner of his property, to include in this exception also his "household furniture."

This amendment was also negatived by yeas and nays, by a vote of 23 to 17, as follows:

YEAS—Messrs. Burrill, Dana, Dickerson, Hunter, Johnson of Kentucky, King of New York, Lanman, Lowrie, Mellen, Morrill, Otis, Parrott, Ruggles, Sanford, Tichenor, Trimble, and Wilson—17.

NAYS—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Noble, Pleasants, Roberts, Smith, Stokes, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, and Williams of Mississippi—23.

The Senate then disagreed to the amendment which had been reported to the bill by the Committee of Pensions, and adopted in Committee of the Whole, to exclude from the benefits of the act every person receiving any salary or perquisites of office, either from the United States or any individual State.

The question was then taken on ordering the bill to be read a third time, (exactly in the shape in which it came from the other House), and was decided in the affirmative by the following vote:

YEAS—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, Leake, Logan, Macon, Noble, Pleasants, Roberts, Smith, Stokes, Taylor, Thomas, Trimble, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—24.

NAYS—Messrs. Burrill, Dana, Dickerson, Hunter, Johnson of Kentucky, King of New York, Lanman, Lowrie, Mellen, Morrill, Otis, Parrott, Ruggles, Sanford, Tichenor, Van Dyke, and Wilson—17.

WEDNESDAY, April 26.

The PRESIDENT communicated a report of the Secretary of the Treasury, containing statements showing the amount of capital subscribed and paid to each bank in the District of Columbia, made in pursuance of the resolution of the Senate, of the 17th instant; and the report was read.

On motion, by Mr. BURRILL, the Message from the President of the United States, transmitting, pursuant to a resolution of the Senate, of the 21st of March last, copies of the correspondence between the Ministers or other agents of the United States, and Ministers or Government of Sweden, relative to the seizures, sequestration, or confiscation, of the ships or other property of the citizens of the United States, under the authority of Sweden, was referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the motion of the 25th instant, for instructing the Committee on Foreign Relations respecting the importation of plaster of Paris, and agreed thereto.

The bill to authorize the appointment of com-

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missioners to examine the canals therein mentioned, was read the second time.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Dean Weymouth, praying an increase of pension, made a report, accompanied by a resolution that the petitioner have leave to withdraw his petition. The report and resolution were read.

The bill to continue in force an act to protect the commerce of the United States, and punish the crime of piracy; and, also, to make further provision for punishing the crime of piracy, was read a third time and passed.

The bill, entitled "An act in addition to an act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,' passed the eighteenth day of March, 1818," was read a third time, and passed.

The Senate resumed the consideration of the bill to increase the pay of surgeons in the Navy.

Considerable debate took place on the question of agreeing to the sums inserted in the bill in Committee of the Whole; also, on the expediency of at this time increasing the compensation, or the equity of augmenting the pay of navy surgeons without adding also to that of army surgeons, their relative services, &c., in which discussions Messrs. PLEASANTS, BURRILL, VAN DYKE, TRIMBLE, MORRILL, and JOHNSON, of Kentucky, were principally active.

The proceedings resulted in the indefinite postponement of this bill, and, of course, its rejection.

The bills from the other House for the relief of John B. Regnier, for the relief of Fielding Jones, and for the relief of Captain Stanton Sholes, were successively taken up, considered in Committee of the Whole, and severally ordered to a third reading.

The Senate took up the bill from the other House for the relief of Christopher Miller, granting him a tract of land in consideration of a very important and eminently hazardous service performed in the Indian war, under General Wayne, who promised him, on the part of the Government, ample recompense for his intrepidity, but, though reduced to poverty, he has not applied for any relief until now; and the case is strongly urged to the attention of Congress by the Legislature of Kentucky.

The bill was earnestly advocated by Mr. JOHNSON, of Kentucky, and by Mr. BARBOUR, and after some opposition by Messrs. WILLIAMS, of Mississippi, EATON, LOWRIE, and ROBERTS, on the ground of the case not coming within any principles on which Congress had given pensions or donations, and of the inability of the Government to reward all cases of meritorious service, where no disability ensued—

The bill was laid on the table.

BAPTIST CONVENTION.

The Senate next resumed the consideration of the bill to incorporate the General Convention of the Baptist denomination, in the District of Columbia, for evangelical and literary purposes.

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Mr. WILLIAMS, of Tennessee, moved that this bill be indefinitely postponed, which motion was supported by himself and Mr. KING, of New York, on the ground of their repugnance to take any step whatever which gave to a religious society secular power, and which might serve as an excuse for future acts of an unconstitutional tendency; of their desire to act rigidly up to the letter and spirit of the wise provision in the Constitution which forbade Congress to make any law concerning an establishment of religion; because the incorporation of one sect would lead to applications from others, and it was best not to set an example, &c.

The motion was opposed by Messrs. WILSON, DICKERSON, and JOHNSON, of Kentucky, on the ground of the unexceptionable nature of the bill, which was merely to enable a number of persons of a particular society to hold real estate—that they were about erecting in the District an extensive seminary of learning, and possessed a parcel of ground intended for that purpose, which it was necessary to hold in a corporate character; that, for want of that character, they were obliged to forego donations, &c.; that their object was literary, and deserved encouragement; and that the bill possessed no feature, or had any tendency at all unconstitutional, &c.

The motion to postpone the bill indefinitely prevailed without a division, and the bill was rejected.

DISTRICT BANKS.

The Senate took up the bill from the House of Representatives to extend the charters of the Banks of the District of Columbia, and the substitute reported to that bill by the Committee on the District. The bill from the other House provides for the extension of the charters, (including the Bank of Columbia, which derived its charter, without limitation, from the State of Maryland) for the term of five years—but if the banks shall, in six months, signify their willingness, by consent of their stockholders, to unite their interest so as to reduce the number (thirteen) into two in each of the three towns of the District, then their charters shall be, under certain other conditions, extended to twenty years, &c. The committee propose a substitute for this bill, simply extending to January, 1822, the charters of such banks as expire previously to that day—not, of course, including the Bank of Columbia.

Mr. HORSEY explained to the Senate the reasons which influenced the committee to recommend the course proposed by the substitute, which were substantially detailed in the report which accompanied the amendment.

Mr. BARBOUR moved to amend the amendment, so as to include the charter of the Bank of Columbia within the limitation imposed on the other banks—[the charter of the Bank of Columbia was granted by the State of Maryland, before the removal of the Seat of Government to this District, and is unlimited in its duration.]

The motion was supported at some length by the mover, and by Mr. BURRILL, who also supported the bill from the other House in preference to

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the substitute reported by the committee. The motion was opposed by Mr. HORSEY, repeatedly, and at some length, on the ground principally that this bill was a temporary measure only, and when the subject should be hereafter taken up for permanent disposition, it would be time enough to change the tenure of this bank, and place it on the same footing as the others.

The question being taken, the motion was agreed to without a division.

Mr. TRIMBLE moved an additional proviso to the bill, in the following words:

"And provided, also, that any stockholder of any bank which may be continued in operation under the provisions of this act, shall have the privilege of withdrawing his or her stock at any time after the expiration of the existing charter of such bank."

This amendment was opposed by Messrs. HORSEY and OTIS, the latter of whom entered also into an argument in support of the substitute proposed to the bill from the other House.

The amendment was negatived without a division.

Mr. ROBERTS submitted some of the reasons which induced him to prefer the bill as it came from the other House; but, not willing to act precipitately on a subject involving so extensively the interest of the people of the District, he moved the postponement of the bill until to-morrow; which motion was agreed to.

• THURSDAY, April 27.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act to establish land offices in the State of Alabama," with amendments, in which they request the concurrence of the Senate.

Mr. NOBLE, from the Committee on the Militia, to whom was referred the bill, entitled "An act to establish a uniform mode of discipline and field exercise for the militia of the United States," reported the same without amendment.

The Senate resumed the consideration of the report of the Committee of Pensions, to whom was referred the petition of Dean Weymouth, praying an increase of pension; and, in concurrence therewith, resolved, that the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the bill from the other House for the relief of Christopher Miller, which was further advocated by Mr. JOHNSON, of Kentucky, and also by Messrs. LOGAN, TICHENOR, and LANMAN. The bill was opposed by Mr. SMITH, from an unwillingness to vote a donation of the public land in a case which might establish a precedent dangerous to the public interest; and because Congress had rejected appeals to their bounty in cases of equal merit, particularly that of Colonel Dale, of Alabama, &c. The debate continued some time, and in its progress elicited notices of several of those interesting instances of personal bravery and hazardous enterprise with which the history of our frontier conflicts with the Indians so much abound.

The bill having undergone some amendment, not affecting its principle, on the motion of Mr. WILLIAMS, of Mississippi, it was ordered to a third reading.

The amendments of the other House to the bill establishing additional land offices in Alabama, (proposing to establish additional offices also in Indiana and Illinois,) were read, and referred.

The bills for the relief of John B. Regnier, for the relief of Fielding Jones, and for the relief of Captain Stanton Sholes, were severally read the third time, passed, and returned to the other House.

DISTRICT BANKS.

The Senate then resumed the consideration of the bill from the other House to modify and extend the charters of the banks of the District of Columbia—the substitute reported thereto by the District Committee of the Senate being yet under consideration.

Mr. ROBERTS again submitted, more at large, his views in support of the bill of the other House, in preference to the substitute; believing that the former would be beneficial, the other extremely hurtful, to the interests of the District.

Mr. OTIS took the other side of the question, and spoke at length, to show some of the novelties, if not incongruities of the bill, which there was not time now to examine and correct, or to obtain the information and give the necessary attention to the facts involved in a decision on the details of the system presented by the bill. He decidedly preferred the substitute.

Mr. VAN DYKE was averse to the amendment, believing it incumbent on Congress now to act, if not by adopting the bill of the other House, at least in some conclusive way, to save the people of the District from the ruin which would ensue from failing to act, or compelling the banks to wind up—as it was impossible, under the present difficulties of the times, and the present scarcity of money, for individuals to pay up their debts to the banks. He argued, also, that the bill was not so objectionable as was stated, and that there was abundant time to examine and decide on it.

Mr. HORSEY argued to show that the plan presented by the bill was not sufficiently matured to give general satisfaction to those concerned, or calculated for a permanent state of things; that it would be better to give a temporary extension of the charters, and, in the meantime, Congress could legislate with better lights, and more in conformity with correct principles, as well as with a just regard to the interests and wishes of the District. He reviewed the provisions of the bill to show their impracticable, their onerous, partial, unreciprocal, mischievous, and inexpedient character, particularly in the consolidating feature of it.

Mr. BURRILL argued that the bill embraced every thing useful which the substitute contained, and other provisions which went much further, and were equally beneficial; that the bill would work none of the mischiefs predicted; that it would reduce the number of banks, and provide a remedy, without delay, for evils which exist; that

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the bill was approved by the best conducted, the safest, and most solid banks in the District.

Mr. RUFUS KING was in favor of the amendment. He was averse to the amalgamation as provided by the bill, as going to unite and give a permanent legal charter to institutions, many of which were unworthy of it; that the proposed capital was too large, and would be, as it was now, to a great extent, unreal; that, if the consolidation were expedient, such only ought to be permitted as were ascertained, by agents appointed by the Government, to have a real capital, and a capacity to transact an honest and fair business, and those of a different character should be compelled to wind up and close their accounts; that he would have but one in each town, with an abundant capital; that, to allow an examination of the affairs of these institutions, preparatory to a permanent state of things, he would extend them temporarily, as proposed by the substitute.

Mr. ROBERTS could perceive no ill effect likely to arise from the bill, which would not also proceed from the course proposed by the committee; that the amalgamation would necessarily produce a scrutiny into the affairs of the several banks, and good capital only would be accepted. He replied to Mr. KING's arguments at some length, and in further support of the bill.

Mr. MACON remarked, that under either plan, the banks were to be dissolved, and the parties to go free. He thought the stockholders would make a better arrangement among themselves if left free than if coerced, as proposed by the bill; and he conceived that ruin was not to be apprehended to the people from the banks being obliged to wind up, as it would be always the interest of the creditor to give a proper indulgence to the debtor. He was in favor of providing for the termination of the institutions, as at present established, and hereafter giving charters on proper principles to those companies who asked and deserved it. He would not reduce the number to one in each town, because competition was useful and salutary in banking as well as in other things.

Mr. OTIS spoke again to enforce the views which he had submitted, and in reply to the gentlemen who had controverted his arguments.

The question was then taken on adopting the substitute reported by the committee, and decided in the affirmative—ayes 23.

The bill was then reported to the Senate, and the amendment adopted in Committee, on motion of Mr. BARBOUR, to apply the bill to the Bank of Columbia as well as the others, with some modifications, to make it more effectual, proposed by Mr. EATON, and Mr. WALKER of Alabama.

Mr. WALKER, of Georgia, was of opinion that the time fixed in the amendment was not sufficient to effect the object of it, which he presumed was to give the banks time to wind up their concerns with convenience to all parties. He was friendly to the District, though he as yet knew but little of it, and, therefore, moved to strike out 1822, and insert 1825, as the period of extension. Mr. W. followed his motion by some remarks on banking generally. He was not unfriendly to these insti-

tutions; he thought them of great utility when prudently conducted; they had been greatly instrumental in improving the country, and extensive benefit had been derived from them in some parts of the Union. It was in their abuse only that they were injurious.

Messrs. ROBERTS, HORSEY, and RUFUS KING, disapproved of this amendment, as they desired that the subject should be taken up at the next or succeeding session, and a permanent system matured for the banks of the District. Mr. HORSEY added a hope that no idea would go out that the banks were to be put down, or that the amendment just agreed to had such a view. On the contrary, the intention was, with a majority of Congress, that the banks were to be placed on proper principles, and cherished and sustained.

Mr. WALKER's motion was lost without a division.

The question was then taken on agreeing to the substitute for the bill of the other House, reported by the committee, and adopted in Committee of the Whole, and was decided in the affirmative by the following vote:

YEAS—Messrs. Barbour, Edwards, Gaillard, Horsey, Hunter, Johnson, of Louisiana, King of Alabama, King of New York, Lanman, Leake, Logan, Lowrie, Macon, Morrill, Noble, Otis, Pleasants, Stokes, Taylor, Trimble, Walker of Alabama, Williams of Mississippi, and Wilson—23.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Johnson of Kentucky, Meilen, Parrott, Roberts, Ruggles, Sanford, Smith, Van Dyke, and Walker of Georgia—14.

[The substitute will read as follows:

Strike out all the bill after the enacting clause, and insert:

"That the charters of the several incorporated banks in the District of Columbia, now paying specie, and during such time only as such banks, respectively, shall continue to pay specie, be, and the same are hereby, extended to the first day of June, one thousand eight hundred and twenty-two, any thing in the said charters to the contrary, notwithstanding; and the charter of the bank of Columbia be, and the same is hereby declared to be, limited in its duration to the said first day of June, one thousand eight hundred and twenty-two: *Provided*, That this act shall be of no force or effect to extend any charter aforesaid till a majority, in interest, of the stockholders of the several banks whose charters may be hereby extended, shall file their declarations in writing in the office of the Secretary of the Treasury, assenting to and accepting the benefit of this act."

Mr. TRIMBLE moved the adoption of the following additional proviso to the bill:

"And provided also, that, from and after the expiration of the present charters, the private property of those stockholders who may continue any bank in operation in pursuance of this act, shall be liable for the debts of such bank, which may be hereafter contracted.

Mr. T. wished his amendment adopted, that those who accepted the benefits of this bill might be informed of the terms. He thought this condition a necessary check on the banks, for the want of which great evils had grown out of the banking

system; and without such a principle he would never be necessary to creating any bank whatever.

The amendment was opposed by Mr. HORSEY and Mr. LANMAN on account of its novel character, and the short time in which it would operate, and thinking it would be time enough to urge its adoption when the system came up for permanent regulation. Mr. LANMAN opposed it on the further ground of its impracticable nature, and the impossibility of enforcing it upon stock, whose rapid transfers might be aptly compared to the "adventures of a guinea," or to an atom which filled an hundred spaces in a day.

Mr. WALKER, of Alabama, was opposed to the amendment also, on account of the time, not from an objection to its principle, which was not novel; for it was a provision of the constitution of Alabama that no bank should be incorporated unless this principle were made a condition; and he believed it a just and salutary principle. This was not the time, however, to enforce it on these banks.

The amendment was negatived without a division.

The bill was then ordered to a third reading, as amended.

FRIDAY, April 28.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of Groeme Keith Spence," in which bill they request the concurrence of the Senate.

The bill was twice read by unanimous consent, and referred to the Committee on Finance.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the bill to authorize the legal representatives of Elisha Winter and William Winter to institute a bill in equity, in the nature of a petition of right against the United States, with certain instructions, reported the same with amendments, which were read.

Mr. ROBERTS presented the memorial of the Chamber of Commerce of the city of Philadelphia, against an increase of duties on goods imported into the United States, and the memorial was read.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the state of the Journals of the Senate, preceding the year 1814; and, on motion by Mr. ROBERTS, it was laid on the table.

Mr. VAN DYKE, from the Committee on Pensions, to whom was referred the petition of Rawleigh C. Christians, praying a pension, made a report, accompanied by a resolution that the petitioner have leave to withdraw his petition. The report and resolution were read.

The bill for the relief of the heirs of Isaac Melchior; the bill for the relief of Joseph M. Skinner, administrator of George Skinner; the bill for the relief of James Merrill; the bill for the relief of John Law and Jonathan Elliott; and the bill for the relief of Jacob Konkopot and others, all from the other House, were separately considered in Committee of the Whole, and severally ordered to a third reading.

On motion by Mr. VAN DYKE, the Committee on Pensions, to whom was referred a resolution of the Senate, of the 6th of January last, instructing said committee to inquire whether any amendment be necessary to the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed the 18th day of March, 1818, were discharged from the further consideration of said resolution.

The bill authorizing an allowance to J. B. Timberlake, a purser in the Navy, for losses sustained by him, by the desertion of some of the crew of the frigate United States, was taken up; and, after a discussion of the circumstances and merits of the case, which continued more than an hour, the question was taken on ordering the bill to a third reading and negatived. So the bill was rejected.

The bill concerning the banks of the District of Columbia, being the substitute adopted by the Senate for the bill from the other House, was read the third time, and passed by the following vote:

YEAS—Messrs. Barbour, Eaton, Elliot, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Leake, Lloyd, Otis, Pleasants, Smith, Stokes, Thomas, Walker of Alabama, Walker of Georgia, and Wilson—19.

NAYS—Messrs. Burrill, Dana, Dickerson, Johnson of Kentucky, Lowrie, Macon, Mellen, Morrill, Noble, Palmer, Parrott, Roberts, Ruggles, Sanford, Trimble, and Van Dyke—16.

And the amendment was sent to the other House for concurrence.

The bill from the other House, for the relief of William Coffin; the bill to regulate the fees of the clerk and marshal of the district court of Louisiana; the bill further to regulate the medical department of the Army; and the bill concerning invalid pensioners, severally underwent consideration in Committee of the Whole, and were ordered to be engrossed for a third reading.

The bill for the relief of Christopher Miller was read the third time, passed, and sent to the other House for concurrence in the amendment; and the Senate adjourned to Monday.

MONDAY, May 1.

Mr. PLEASANTS submitted the following motion for consideration:

Resolved, That the Secretary of the Navy, with the assistance of the Commissioners of the Navy Board, be requested to cause to be revised the rules, regulations, and instructions, for the naval service, prepared and reported under the authority of an act of Congress of the 7th day of February, 1815, and that the same be reported to the Senate during the first week of the next session, in order that legal provision may be made for carrying into effect such of them as may be considered necessary, and which have been found to be at variance with existing laws.

The bill to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana was read a third time, and passed.

On motion by Mr. LOWRIE, Anthony Kennedy,

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of Philadelphia, had leave to withdraw his petition and papers.

The bill further to regulate the medical department of the Army was read a third time, and passed.

On motion by Mr. JOHNSON, of Kentucky, the Senate resumed the consideration of the report of the Committee on the Judiciary, to whom was referred a resolution instructing said committee to inquire into the state of the Journals of the Senate preceding the year 1814; and the same having been amended, it was

Resolved, That there be printed, under the direction of the Secretary of the Senate, in the form in which the Journals are now printed, in brier type, that part of the journal thereof, of which the Senate are not in possession of any printed copy; and that there be printed three hundred copies thereof.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving the right of pre-emption to James Shields;" and on motion by Mr. WILLIAMS, of Mississippi, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill concerning invalid pensioners; and the same having been amended, the further consideration thereof was postponed until to-morrow.

On motion by Mr. VAN DYKE, the reports of the Committee on Pensions unfavorable to the petitions of Raleigh C. Christians and of Peter Larkins were taken up, and severally agreed to.

The bill for the relief of John McGrew, and others; the bill for the relief of the heirs of Abijah Hunt and William Gordon Forman; and the bill for the relief of Elkanah Finney and others; severally passed through Committees of the Whole, and were ordered to be read a third time.

The bill to regulate the duties on imports, and for other purposes, was received from the House of Representatives, and twice read by general consent; and, after some conversation as to the disposition of the bill, it was referred to the Committee of Commerce and Manufactures.

The bills from the other House, for the relief of John Law and Jonathan Elliott, for the relief of Jacob Konkopot and others of the Stockbridge tribe of Indians; for the relief of the heirs of Isaac Melchior; for the relief of Joseph M. Skinner; for the relief of James Merrill; and for the relief of William Coffin; were severally read the third time, passed, and returned to the other House.

The bill for the relief of James L. Cathcart was taken up, and some time spent in examining the circumstances of the claim, which were explained in detail by Mr. BROWN; and, after receiving an amendment offered by Mr. RUFUS KING, the bill was postponed until to-morrow, on motion of Mr. LLOYD, who desired some further time to look into the merits of the claim.

TUESDAY, May 2.

Mr. PLEASANTS, from the Committee on Naval Affairs, made an unfavorable report on the petition of Archibald B. Lord and others.

Mr. ROBERTS presented the memorial of Smith and Hawkins and others, merchants, of Philadelphia, against an increase of the existing tariff of duties on goods imported from foreign countries; and the memorial was read, and referred to the Committee on Commerce and Manufactures, and also the memorial of the Chamber of Commerce of the city of Philadelphia, on the same subject.

Mr. TRIMBLE submitted the following motions for consideration:

Resolved, That the Secretary of War cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a plan for employing the officers and soldiers of the Army in making a minute and accurate survey of the inland frontier of the United States; together with an estimate of the additional expenses which may be annually required for that object.

Resolved, That the Secretary of the Navy cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a plan for employing the Navy in completing a minute and accurate survey of the coast of the United States; together with an estimate of the additional expenses which may be annually required for that object.

Resolved, That the Secretary of the Treasury cause to be prepared and laid before the Senate at the commencement of the next session of Congress, a statement of the money which has been annually appropriated and paid, since the year 1775, for surveying the seacoast, bays, inlets, harbors, and shoals, and for erecting, supplying, and keeping in repair, lighthouses, beacons, and buoys, and for the purchase of the ground upon which the same may have been erected.

On motion, by Mr. SMITH,

Ordered, That the Committee on the Judiciary, to whom was referred so much of the Message of the President of the United States as relates to violations of our neutrality; the resolution of the Senate instructing said committee to inquire into the expediency of prescribing by law the mode of quartering soldiers during war in the houses of citizens, when the public exigencies may make it necessary; and the mode by which private property may be taken for public use, designating particularly by whose orders property may be taken, the manner of ascertaining its value, and the mode by which the owner shall receive, with the least possible delay, the just compensation for the same; the address of the representatives of the yearly meeting of the Friends of New England; the memorial of the inhabitants of Newport, Rhode Island, against the admission of Missouri without restricting slavery; the memorial of the citizens of the State of Rhode Island, on the subject, of slavery; the memorial of the Legislature of the Arkansas Territory, praying an act explanatory of the acts providing for their territorial form of government; the resolution of the Senate instructing said committee to inquire whether any amendments can be made in the criminal code of the United States by which to punish persons guilty of forging papers or vouchers necessary to the establishment of any claims, now or hereafter to be brought against the Government of the United States, were discharged from the further consideration thereof, respectively.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to prevent the commanders and other officers in the naval service of the United States from accepting of any present or emolument of any kind whatever, from any King, Prince, or foreign State, and for other purposes;" in which bill they request the concurrence of the Senate.

The bill was read twice by unanimous consent, and referred to the Committee on Naval Affairs.

On motion by Mr. SMITH, the select committee to whom was referred the memorial of Elijah Hall Bay and others; the memorial of the Legislature of the State of Mississippi, on the subject of British claims to lands; and also the resolution of the said Legislature relating to British grants, were discharged from the further consideration thereof respectively.

Mr. SMITH, from the Committee on the Judiciary, to whom was referred the petition of the Legislature of the Territory of Arkansas, praying the grant of certain sections of land, for purposes therein mentioned, made a report, accompanied by a resolution that the prayer of the petition be not granted. The report and resolution were read.

Mr. LLOYD presented the memorial of John Donnell and others, of Baltimore, praying the exclusion from the Chesapeake bay of cruisers under the flag of the South American revolutionists, and to designate certain ports for their entry; and the memorial was read, and referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the memorial of Archibald B. Lord and others, officers of the United States cutter Boxer, on behalf of themselves and the late crew of the said cutter; and, in concurrence therewith, resolved that the prayer of the memorialists ought not to be granted.

The Senate resumed the consideration of the motion of the first instant, concerning naval rules and regulations; and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the appointment of commissioners to lay out the road and canals therein mentioned; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of James Leander Cathcart; and, on motion by Mr. KING, of Alabama, it was laid on the table.

The bill to revive the powers of the commissioners for adjusting land claims in the district of Detroit, &c. was taken up and further considered, in Committee of the Whole, and ordered to a third reading; as was also the bill for the relief of the heirs of Henry Willis.

The bills from the other House for the relief of the heirs of Abijah Hunt; for the relief of John McGrew and others; and for the relief of Elkanah Finney, were severally read the third time, passed, and returned to the other House.

The Senate spent some time in Committee on

the bill concerning invalid pensioners; after which the bill was laid over until to-morrow.

The bill for the relief of Louis Joseph de Beaulieu, a captain in Pulaski's legion in the Revolutionary war, praying to be placed on the pension list under the act of March, 1818, was taken up in Committee of the Whole. The bill was so amended as to require the petitioner to relinquish any other pension which he may now receive from the United States; and on the question of ordering the bill to a third reading, it was decided in the negative—ayes 15, noes 17; so the bill was rejected.

WEDNESDAY, May 3.

A message from the House of Representatives informed the Senate that the House have passed the resolution which originated in the Senate, fixing a period for the termination of the present session of Congress, with an amendment; in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line; and, on motion by Mr. EATON, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act for the relief of Joseph Brice," and, no amendment having been made, it was reported to the House, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act for the relief of Thomas C. Withers," together with an amendment reported thereto by the Committee of Claims, and the amendment having been agreed to, the bill was reported to the House amended, and, the amendment being concurred in, it was ordered to be engrossed and the bill be read a third time as amended.

Mr. HORSEY, from the Committee on the District of Columbia, to which had been referred the bill directing the purchase of two hundred copies of Binns's edition of the Declaration of Independence, and to which had been also referred the bill from the other House for the relief of William Pancoast, reported the same without amendment, and with a recommendation that both bills be rejected.

Mr. HORSEY, from the same committee, made a report unfavorable to the expediency of any provision, at this time, for a Delegate for the District of Columbia.

Mr. KING, of New York, from the Committee on Roads and Canals, reported a bill to lay out the route and prepare the plan of a canal, estimates of expense, &c., from Lake Erie to the navigable waters of the Ohio, (from the waters of Sandusky to those of Scioto;) which bill was twice read, by general consent, and referred.

The report of the Judiciary Committee on the petition of the Legislative Council of Arkansas Territory, praying portions of the public lands for a seat of government, and for the seats of justice

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of the counties of the Territory, and adverse to granting these donations at present, was taken up, and agreed to.

On motion of Mr. LLOYD, the Senate took up the bill for the relief of the widow of John Heaps, (the mail carrier who was recently murdered,) and it was ordered to a third reading, *nem. con.*

The Senate resumed the consideration, in Committee of the Whole, of the bill for the relief of James Leander Cathcart; which was amended, and ordered to be engrossed for a third reading.

Mr. DICKERSON, from the Committee of Commerce and Manufactures, to which had been referred the bill from the House of Representatives to regulate the duties on imports, reported the same with sundry amendments.

The Senate took up the resolution fixing a period of adjournment, as amended by the other House; and after some discussion, in which Messrs. JOHNSON, of Kentucky, BARBOUR, OTIS, and MORRILL, advocated the immediate decision of the question, and agreement on the day proposed by the other House, and in which Messrs. ROBERTS and BURRILL were opposed to acting instantly, and fixing a day now which could not be easily changed, although matters of great importance might transpire in the meantime, and were in favor of postponing a decision until to-morrow;

The question was taken on agreeing to the amendment of the other House, and decided in the affirmative without a division; so that the 15th day of the present month is fixed by both Houses for the adjournment of the session.

The bill for the relief of the heirs of Henry Willis was read the third time, passed, and returned to the other House.

The engrossed bill to revive the powers of the commissioners appointed to settle and adjust the titles to land in the district of Detroit, &c., was read the third time, passed, and sent to the other House for concurrence.

The Senate took up the resolution from the other House, providing for distributing to such members of the Convention as may be living, each, a copy of the journal of the Convention, and it was ordered to a third reading.

The Senate resumed the consideration of the bill concerning invalid pensioners; and the bill was, without further debate, on the motion of Mr. ROBERTS, postponed indefinitely, and of course rejected.

The bill from the other House, to grant to the Columbian Institute the use of a portion of the public grounds in the City of Washington, during the pleasure of Congress, was taken up.

Mr. TRIMBLE proposed a substitute to the bill, authorizing a lease of the ground for — years.

The motion was opposed by Messrs. HORSEY, BROWN, and DANA, who preferred the bill as it came from the other House; and the amendment was negatived.

The bill was then ordered to a third reading.

The bills from the other House, for the relief of Beck and Harvey; for the relief of John D. Carter; for the relief of Stephen Baxter; for the relief of Daniel Converse and George Miller; and

for the relief of Daniel Bickley and Catharine Clark, administrators of John Clark, were successively considered in Committee of the Whole, and severally ordered to be read a third time.

The bill from the House, supplementary to the act providing for lost military discharges and land warrants, was also taken up, and, on motion of Mr. WILLIAMS, of Tennessee, who did not conceive any further legislation on the subject necessary, was postponed indefinitely.

PUBLICATION OF THE LAWS.

The Senate next took up the bill from the other House, in addition to the act providing for the publication (in newspapers) of the laws of the United States; to which bill the Judiciary Committee of the Senate, to which it had been referred, reported an amendment, to leave the number of papers in each State to be selected for publishing the laws the same as at present, (three,) and providing that private and local acts, and Indian treaties, shall not hereafter be published in the newspapers, excepting treaties, so far as to have them published in the States more immediately concerned.

The subject gave rise to some discussion on the part of Mr. SMITH, who explained the motives of the committee, and of Messrs. LANMAN, BURRILL, and TRIMBLE; and the amendment was ultimately agreed to.

Mr. WILSON then moved to amend the bill, so as to leave the compensation allowed for publishing the laws the same as now fixed by law; and entered into some explanations (feeling himself called on to do so, by the consideration that the interest of many individuals was concerned who would probably look to him to place the matter in a proper light before the Senate) to show that, instead of having been increased, the compensation was less than it was previous to the passage of the present law; that it was now very much inferior to what was paid for advertising by individuals, and was a very inadequate remuneration for the services performed; and would, in fact, not be accepted by many, were it not for other considerations, &c.

The bill was, on motion of Mr. BURRILL, who wished to examine further this part of the subject, and satisfy himself in some particulars, postponed until to-morrow.

ROADS AND CANALS.

The Senate next proceeded to the consideration of the report of the Committee on Roads and Canals, on the bill concerning the road from Wheeling to the Mississippi, and canals from the Chesapeake to the Delaware, and from the Raritan to the Delaware. [The report separates the two objects, and brings them before the Senate in distinct bills.]

Mr. SMITH objected to the bill concerning the road, because it proposed to defray the expenses of surveying the road out of the Treasury, instead of from the fund set apart out of the sales of the public lands; not knowing why money should be voted for roads in Ohio, in preference to other parts of the country. He was replied to by Mr. NOBLE.

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Some debate arose on a motion by Mr. RUGGLES to require the road to pass by Columbus, the seat of government of Ohio—the discussion turning on the expediency of now going so far into detail as to designate any points at all, except the two extreme ones; of leaving these matters to future disposition, and merely at this time enacting a general provision, reserving all other questions for future legislation. Messrs. RUGGLES, TRIMBLE, and ROBERTS, were in favor of the amendment; and Messrs. KING of New York, and THOMAS, against any such provision at this time. The amendment was finally negatived by the Senate.

Mr. KING, of New York, made some general remarks on the advantages which would result to the interest of the United States, in the public lands alone, from laying out and marking this road, without touching on the great considerations of connecting more closely the different parts of the Union, of public security, and of honor to the nation, should such an object be ultimately accomplished as the erection of a great road from the Atlantic waters to the Mississippi, &c.

A debate arose on the general merits of the bill, in which it was opposed by Mr. EATON and by Mr. SMITH at considerable length; and was advocated repeatedly and much at large by Mr. TRIMBLE; and was supported also by Mr. EDWARDS.

Mr. SMITH concluded his remarks by moving to postpone the bill until the first of April next, (to destroy it;) which motion was decided by yeas and nays, in the negative, as follows:

YEAS—Messrs. Barbour, Eaton, Gaillard, King of Alabama, Leake, Macon, Otis, Pleasants, Smith, Walker of Alabama, and Williams of Tennessee—11.

NAYS—Messrs. Burrill, Dana, Dickerson, Edwards, Elliot, Horsey, Hunter, Johnson of Kentucky, King of New York, Lanman Lloyd, Lowrie, Noble, Palmer, Parrott, Roberts, Ruggles, Sanford, Stokes, Taylor, Thomas, Tichenor, Trimble, Van Dyke, Walker of Georgia, Williams of Mississippi, and Wilson—27.

Mr. SMITH moved to amend the bill by making the appropriation for defraying the expense of surveying the road payable out of the three per cent. fund, reserved for roads out of the sales of land in the three Northwestern States, instead of defraying it, as proposed by the bill, out of "any money in the Treasury not otherwise appropriated." This motion was negatived, and the bill was then ordered to be engrossed and read a third time.

THURSDAY, May 4.

Mr. SANFORD, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of Græme Keith Spence," reported the same without amendment.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to establish additional land offices in the State of Alabama," reported the same with amendments; which were read.

Mr. HORSEY, from the Committee on the District of Columbia, to which had been referred the bill to enable the vestry of Rock Creek church

to sell the glebe of that church, reported the same without amendment, and with a recommendation that the bill be rejected.

On motion by Mr. HORSEY, the same committee was discharged from the further consideration of the memorial of sundry inhabitants of Georgetown, &c., praying for a separate court west of Rock Creek—Mr. H. stating that no reasons had been exhibited to the committee in support of the application sufficient to justify the measure.

The report of the same committee, unfavorable to the expediency of making any provision at present for a delegate in Congress from the said district, was taken up and agreed to.

The bill from the other House for the relief of Charles S. Jones was taken up, on motion by Mr. BARBOUR, who earnestly supported the equity of the relief prayed for, and opposed the recommendation of the Committee of Finance to which the bill had been referred, to postpone the bill indefinitely. The recommendation of the committee was supported by Messrs. SANFORD and EATON; and the bill was ordered to a third reading—yeas 18, nays 17.

The resolutions submitted by Mr. TRIMBLE on Tuesday, relative to surveys of the inland and maritime frontiers, &c., were taken up.

After some conversation on the object of the resolutions, which was explained by the mover, The first resolution, relative to the inland frontier, was, on the suggestion of Mr. BARBOUR, referred to the Committee on Military Affairs.

The second resolution, relative to the survey of the maritime frontier, was withdrawn by Mr. TRIMBLE, it appearing that the object was already provided for by existing laws.

The third resolution, calling on the Secretary of the Treasury for information of the amount of expenditures on the maritime frontier for surveys, light-houses, &c., was agreed to.

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The Senate then took up, in Committee of the Whole, (Mr. HORSEY in the Chair,) the bill from the other House to regulate the duties on imports, and for other purposes.

Mr. BARBOUR moved that the further consideration of the bill be postponed until the next session of Congress; and followed his motion by a speech of some length, as well against the merits and bearings of the bill, as to show that there was not time at this late period of the session to act maturely on the subject.

Mr. DICKERSON, of New Jersey, addressed the Chair as follows:

Mr. President, it is urged, as a reason for postponing the present bill, that many members of Congress have already left the Seat of Government, that many others are about to depart, and that it is too late in the session to consider this subject. On looking round the Senate, I find every gentleman at his post, except one. The Senate, whatever may be the case with the House of Representatives, is unusually full; and, although gentlemen are extremely anxious to leave this place, yet they should be restrained by a sense of duty,

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and remain here a sufficient time to pass upon this bill, which has passed the House of Representatives, after a full discussion of its merits—a bill of the utmost importance to the country; and one upon which the decision of Congress is more anxiously expected than upon any measure which has occupied our attention for years past. Although it is late in the session, yet there is ample time between this and the day fixed for adjournment, to discuss this subject and to decide upon it; but this plea can always be found for indefinitely postponing any important bill; and we may observe that bills of the highest importance, but which are opposed by any considerable portion of Congress, are constantly postponed, from time to time, till near the close of the session, and then, too often, indefinitely postponed for want of time. In this way bills of the greatest importance are defeated by minorities, as happened last session with the bill for altering the mode of selling the public lands.

We are told that nearly all the information we have received upon this subject is from the manufacturers; that they have petitioned by themselves and by the Legislatures of States; and that they have loaded our tables with their pamphlets; and that if they would work as well as write, they would need no protection. The honorable gentleman (Mr. BARBOUR) does remember some representations from agricultural societies which have been printed and laid upon our tables; but he should also recollect the representations from the importing merchants and Chambers of Commerce against this bill, in which they represent, with all the strength the subject admits of, the inconveniences that will, in their opinion, result from passing this bill. We have abundant information on all sides of this question, for it has been a constant theme of discussion for the two last years.

We are informed that this bill has progressed thus far, and that the Treasury Department has not been consulted as to its operation on the revenue; that we are about to diminish our imports to an alarming degree, when our Treasury is empty; to impose an enormous tax upon the agricultural interest for the sole benefit of the manufacturers, by a measure equally destructive of the morality and the happiness of this country.

The committee on the part of the Senate, to whom this bill was referred, did consult the Secretary of the Treasury; and we may assure gentlemen that there is no apprehension in that department that this bill, if passed into a law, will cause any serious or permanent diminution of our imports. Upon a careful examination of the bill, I have not the slightest doubt it would add more than a million of dollars annually to our revenue. But the idea that we are about to lay an enormous tax upon the farmer, for the benefit of the manufacturer, although altogether incorrect, has great weight, and will probably do more to defeat the bill than all other considerations together.

It has been considered as an axiom in political arithmetic, not needing nor even admitting of proof, that, if we increase the duties on articles which we import, we, in the same degree, increase the price to the consumer; and it is generally sup-

posed, that, by such increased duties, we so far diminish the imports as to diminish the revenue. Our own history will sufficiently show the fallacy of such opinions. Increased duties do not necessarily increase the price of goods to the consumer in proportion to the advance of the duties; on some it will produce but an inconsiderable augmentation of price, on others probably none.

An increase of duties upon articles not the growth or production of this country, will, generally, increase the price to the consumer to an amount a little higher than the increase of the duty; but this is far from being the case with articles produced or manufactured here.

Suppose the foreign manufacturer to derive a profit of fifteen per cent. upon the woollen and cotton goods sold in our market, and we increase the duties on those articles ten per cent. for the purpose of encouraging the domestic manufacturer. If the foreign manufacturer will content himself with five per cent. profit, rather than abandon our market, he will continue to sell his goods at precisely the same prices as before; there will be no decrease of imports, and ten per cent. upon the articles thus sold will be put into our Treasury at the sole expense of the foreign manufacturer. This, it is true, is no particular benefit to the manufacturing interest, but it is a substantial benefit to the country.

Let me elucidate this principle by a matter of fact of recent occurrence. Two years ago, when we increased the duty on bar iron from nine to fifteen dollars on the ton, it was said it would operate as a bounty of so much per ton to those who had bar iron on hand; that it would, to the same amount, increase the price to the consumer; and that it would diminish the revenue upon this article. These predictions, however, have failed in every particular; bar iron has not risen in price from that day to this; it has not operated as a bounty to those who had quantities of bar iron on hand; it has not increased the expense to the consumer; and, so far from diminishing the revenue upon this article, it has been constantly increasing.

By reports of the Secretary of the Treasury, it appears that the duties on hammered bar iron in 1817 amounted, after deducting the drawback, to \$154,315; in 1818, first year of the increased duties, it amounted to \$208,951; in 1819, to \$250,377; and there is but little doubt from what we already know, that the increase will be still greater in the present year. As the adding six dollars per ton to the duties on bar iron did not increase the price in 1818, no one who knows any thing of this trade will doubt that the same increase of duty might have been imposed in 1816, without increasing the price. There might, therefore, have been a clear saving to the Treasury of six dollars per ton on all bar iron imported into this country for home consumption, from 1816 to 1818, and that without costing the citizens of the United States a cent. The difference between the duties received at nine dollars per ton, and which might have been received at fifteen dollars per ton, amounted, in the year 1816, to \$76,044; in 1817, to \$61,188; in all, to \$137,232. This sum, therefore, may be con-

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sidered as lost to the Treasury, in consequence of the unreasonable prejudice against the manufacture of bar iron in this country—an article of prime necessity at all times, and indispensable in time of war.

The sums saved to the Treasury, by increasing the duties in 1818, or the difference between the duties at nine and fifteen dollars, amounted, in that year, to \$89,530; in 1819, to \$100,150; for the half of the present year, estimated at the same rate, \$50,075; amounting in all, to \$239,755, gained to our Treasury, at the exclusive expense of the foreign manufacturer. The sum thus gained, added to what we should have gained had the duty on bar iron been put at fifteen dollars per ton, in 1816, amount to \$376,987. An increase of duties upon a great variety of articles, which we manufacture in part for ourselves, would be attended, in a greater or less degree, by similar results.

The effect which may reasonably be expected from an increase of duties on articles which we import in part, and manufacture in part, for our own consumption, if so great as to prevent any considerable part of the importation is this; the foreign manufacturer, in order to maintain himself in our market, will sell his goods at a less profit than before. Say the reduction in his prices shall amount to half the increase of duties, the domestic manufacturer must sell for the same price, or be driven from the market. In this case, one-half the duties would go into our Treasury at the expense of the foreign manufacturer; the other half would be at the expense of the consumer. But, if these goods are of general consumption, the tax upon the consumer is an equitable tax upon the citizens generally, and nothing is lost, inasmuch as what we pay goes into the General Treasury. The competition between the foreign and domestic manufacturer will keep the articles at low prices, and effectually prevent imposition upon the purchaser. Our manufactures, under such protection, would continue gradually to improve, and to be extended; their improvements would produce a saving in labor and expense; the consequence would be a gradual reduction of prices, by which the foreign manufacturer would, in time, be excluded from our market; but not until domestic competition should have brought down the prices to the lowest grade at which they can be sold, and allow a reasonable profit to the manufacturer. This is the case with many articles now, particularly with nails, an article of the most common consumption, on which there is a duty of four cents per pound. Nothing can be more incorrect, than that the farming interest is taxed to the amount of the increased duties, for the benefit of the manufacturers.

If it be true, as many gentlemen seem to think, and as some verily believe, that, by introducing and encouraging manufactures in this country, we bring upon ourselves, and entail upon posterity, a lasting curse, it would afford an argument for our returning to our former state of colonies, towards which we might have perceived some awful squintings during the last war.

While colonies, the mother country took especial care that we should manufacture nothing for

ourselves that she could make for us. She took care that we should not divert our attention to labor-saving machinery. The erection of rolling or slitting mills in the colonies was strictly prohibited. It was declared in Parliament, that we ought not to be permitted to make a hob-nail. The privilege of shoeing horses was tolerated with some degree of impatience.

This policy on the part of the mother country found many advocates here, and the race seems not yet to be extinct. It was submitted to without a struggle; for to struggle was in vain; certain ruin attended any one who should have the rashness to invest his capital in manufacturing establishments.

But when attempts were made to impose a slight tax upon us, much less oppressive than the restrictions on our manufactures, universal opposition was excited; and under that excitement we were able to perceive that we had been cruelly oppressed by restrictions upon our manufactures; and this was the theme of many patriotic declamations and resolutions.

When our Revolutionary war commenced, we experienced infinite embarrassment for want of manufacturing establishments. Thousands of our soldiers perished for want of suitable clothing. Every possible exertion was made to encourage manufactures, with a determination to persevere in them, not only as a permanent advantage to this country, but a permanent injury to our enemy.

On the return of peace, we seemed satisfied with having established our independence. Manufactures were soon forgotten. Those who had embarked their fortunes in such establishments were abandoned, without remorse, to inevitable ruin. Every corner of the Union was deluged with cheap goods, of British manufacture; people purchased while they had money or credit. This was soon followed, as might have been easily predicted, by a scene of extensive ruin; against which many States endeavored to provide by laws to delay the collection of debts, to assign property in the payment of executions, and by issuing a flood of paper money.

On the adoption of our present Constitution, the navigation, the shipping, and the commercial interest, as the source of revenue, engrossed the attention of Congress. Manufactures were prostrate, and no efforts were made to revive them. The first tariff was laid with a timid hand; extreme caution was exercised, lest the duties should be so high upon articles which we could produce or manufacture for ourselves, as to decrease the importation so much as to lessen the revenue, while comparatively high duties were put upon articles not of the growth or manufacture of this country. This will appear, by comparing the high duties upon tea and coffee with the low duties upon cotton and woollen goods, iron, &c., which were put at the low duty of five per cent. *ad valorem*. The same kind of timid policy, the same fear of encouraging manufactures, has prevailed in a greater or less degree in all the tariffs that have been subsequently adopted.

By this shipping-commercial-revenue system,

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we have been subservient to the interests of Great Britain; and, from the peace of 1783 till some time in the French revolution, we afforded them greater advantages than we ever had done, in a like period, during the time we were colonies.

The wars growing out of the French revolution gave us advantages which we never enjoyed before, and shall probably never witness again. Commerce seemed the only road to riches; manufactures were totally neglected. Our citizens embarked their capital in trade, intoxicated with the prospect of sudden wealth. These prospects were much obscured by the Orders in Council and the Berlin and Milan Decrees; but while we were dreaming that the days of our prosperity were about to return, our commercial interest led us into a war with Great Britain.

Notwithstanding our former experience, we were again extremely distressed for the want of manufacturing establishments, and this distress fell with peculiar severity upon the army. A large portion of commercial capital, for want of other employment, was immediately invested in manufacturing establishments; and, wherever those establishments were made, the country flourished beyond any former example, even under the pressure of war. Agriculture advanced in a like proportion, in consequence of the domestic market for the produce of the earth; lands rose in value; improvements in cultivation, in houses, barns, and fences, were perceived wherever manufactures were successful. Had the war continued two years longer, the manufacturing interest could not now be shaken.

It was confidently expected that Congress would not suffer manufacturing establishments, which had cost sixty millions of dollars, and which were indispensable in time of war, to go to decay in time of peace. By a complete protection of our manufactures, we should have done more for our country than would have balanced the whole expense of the war; and we should have injured England to an amount beyond her loss of money and ships. By a contrary course we have sacrificed millions of property, and thrown thousands of laborers idle upon society.

The overflowing warehouses of Europe were emptied on our shores; our imports, in one year after the war, amounted to more than one hundred and fifty millions of dollars, upon which we derived a revenue of more than thirty-six millions of dollars. Our merchants became infatuated, by calculating the profits they were about to make upon such an extensive commerce; and, that their expenses might correspond with their imaginary wealth, they bought country houses, city houses, horses, carriages, established expensive equipages, filled their rooms with splendid furniture, and their cellars with costly wines. Even the two Houses of Congress were thrown off their balance by the thirty-six millions of revenue; and, by way of squandering our surplus funds, passed a pension law, which was neither asked nor expected by the country, which will cost at least twenty millions of dollars, and which we have endeavored to correct by a law more harsh in its operation than any other which has received the sanction of Congress.

During this commercial delirium manufacturers have kicked the beam. In vain they have asked some adequate protection; they could not put thirty-six millions of dollars into the Treasury; they could afford no profit to the importing merchant. Their application was considered as troublesome and unreasonable; they were reproached for having asked high prices for their goods during the war; and their sufferings were considered as a just retribution for what was called their former extortion.

We now witness the extreme distress of our country, produced by pursuing commerce to the exclusion of manufactures. Commerce itself is nearly annihilated. Had manufactures been in a flourishing condition, the loss of commerce would have been attributed to that cause alone; but manufactures, as well as agriculture, are also prostrate. The two latter might soon be made to revive, by means in our power, but the former cannot be extended to its former importance for many years yet to come. The merchants of Europe are now their own carriers. Their mercantile jealousy will effectually prevent us from enjoying any larger portion of the commerce of the world than comes to our proper share. This will require but a very inconsiderable part of the capital, and employ but a small portion of the citizens of our country. Our internal commerce and coasting trade will be vastly more important, and will increase with the extension of domestic manufactures.

Our foreign commerce, however, is in the highest degree beneficial to the country, and should be cherished, as it always has been, by our laws, but not to the exclusion of other important interests. That part of our commerce which is employed in bringing articles of luxury to this country, for home consumption, which contribute nothing to our rational happiness or prosperity, or in bringing articles of necessity, but such as we ought to produce or manufacture for ourselves, so far as it goes, involves our country in distress, and, if tolerated, ought not to be encouraged by our laws.

By far the greater portion of our citizens should be employed in agricultural pursuits; but the number that can be profitably employed in agriculture is limited, and that limit has already been passed in some of the States. The poorer lands will not be brought into cultivation till population begins to press upon subsistence. Such soils must, in this country, remain for ages, for such pasture and wood as they will produce, unless manufactures be encouraged. When there are hands enough employed to till all the good land in any State, except such as should always remain for wood and pasture, no more can be profitably employed. Population, however, will not be retarded; for the means of subsistence will be abundant, inasmuch as the labor of one man will afford subsistence for twenty. The surplus population, therefore, in a simply agricultural country, would become idle for want of employment, and would become a heavy burden upon the laboring classes. Such a population weakens a country.

People, to a certain extent, so far as they can be profitably employed, are the wealth and strength

of a nation. This opinion is not at all impaired by a knowledge that an overgrown population is the greatest scourge that falls upon our species. Every State must be weak and languid, until it has a sufficient population to till all the good lands, and a surplus population, which must also be profitably employed, and which will want, for subsistence, all the surplus produce of the farmer over and above what can be disposed of at a foreign market. To effect this, commerce and manufactures must be encouraged, but especially the latter, which may, in time, afford to the farmer a steady home market for his produce, to an extent which baffles calculation. The foreign market must always be comparatively insignificant; it is always precarious, and often ruinous. But we have discovered that the foreign demand for our produce is limited and stationary, while our means of producing is without bounds.

The population of Europe is nearly stationary, whilst our population doubles once in twenty-five years; and for this reason the rules of political arithmetic, which apply to the one do not apply to the other.

The time was when all the subjects of these once colonies could be profitably employed in agriculture; for Europe wanted of us more than we could produce. But that time has long since passed, and Pennsylvania alone can now give a greater surplus of agricultural produce than all the colonies could give a century ago; while the foreign demand for such produce has not, and probably will not increase, except for very short periods, and in a way to produce but little permanent advantage to our country.

If we remain simply an agricultural and commercial nation, of what advantage to us will be the immense surplus produce of our soil without a market? The farmer may see his barns and granaries filled with the bounties of Heaven, to perish on his hands. Such scenes are frequent in the western country, where we see misery in the midst of plenty. I have travelled but little to the west of this place, but enough to convince me that buying cheap goods of foreign manufacture there, is much more ruinous to the inhabitants than in States near our great seaports, where there will always be some demand for the produce of the soil. The expense of transporting dry goods, by land, one or two hundred miles, is very trifling, while the value of the bulky and heavy produce of the farmer would not pay the expense of such transportation. I have seen the stores of Harrisburg, Carlisle, Shippensburg, Bedford, and Pittsburg, filled with India and British dry goods, and selling at rates as cheap as they could be retailed for in Philadelphia. People will purchase such goods, while they have money or credit. Their produce, if taken in exchange, must be at such reduced prices as to be extremely oppressive to the farmer.

If the farmer could compress his produce, of the value of a thousand dollars, into the compass of a bale of cotton, and reduce it to the same weight, then, indeed, he might exchange it for British goods; but his produce will not bear the expense of transportation, while dry goods seem to fly upon

the wings of the wind. Suppose those goods to have been manufactured in the towns where they were sold, the manufacturers would have wanted the produce of the farmer; a fair exchange, mutually beneficial to the parties, would have taken place, by which the strength, riches, and population of the country, would have been greatly promoted. If these towns, with the surrounding country, and all other places similarly situated, should have all their goods manufactured by artisans residing among them, taking their produce in exchange, and affording them a permanent and domestic market, it would tend more to their advantage, their riches, strength, prosperity, and happiness, than if those goods were manufactured in England or India, and presented to them gratis.

No nation can be great by agriculture alone, because a small population can till all the good soil. No nation can be permanently great by commerce or manufactures alone, because their prosperity depends more upon foreign nations than upon their own industry or enterprise—a dependence always precarious, and not to be relied upon. A nation may be great and independent by agriculture and manufactures, and the domestic trade incident to such a state; but, if foreign commerce be added, it gives strength and activity to the whole, and adds greatly to the wealth, prosperity, and happiness of a nation. All must be combined to produce the best effect.

The establishment of manufactures in this country will open a boundless field for the enterprise of our citizens, and, next to agriculture, will most effectually promote the general prosperity. The experience of the last war has proved that, wherever manufactures were established, there agriculture has flourished; their interests are identified. They conjointly, with one voice, ask you to protect manufactures. That call will not cease while the cause of it continues, and that it will do while the merchant inundates our country with British and India goods, which he can do under our present tariff, while an overgrown population in England and India work for a bare subsistence—a subsistence so scanty as to require the nicest calculation to escape the horrors of famine. If our population were reduced to the same distress, by the same cause, neither English nor India goods would be sent to our market. Heaven forbid that our manufactures should ever prosper from such a cause, or that our Government should seek to derive advantage from the distress and misery of the people!

The English Government, in acquiring national wealth, with little regard to humanity, it is true, discover a degree of sagacity not witnessed in any other nation. The very wretchedness, poverty, and distress of her people, are made the means of wealth, by enabling her to levy contributions on the rest of the world, by means of her manufactures. The wretch who works for six pence a day, affords a profit to his employer, and he to the merchant and shipper: and, all together, afford an abundant source of revenue to the Government. The advantages which England derives from the

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poverty and distress of her subjects, strengthened by her laws of selfish policy, we must counteract by laws which will afford a protection to laborers as well as their employers; our laborers must have a reasonable compensation for their services. This is the dictate as well of policy as of humanity.

It has been said that our population is too sparse to admit of manufactures. This is a great error, so far as respects manufacturing for ourselves. In the interior of the country, agriculture and manufactures should be cotemporaneous—should go hand in hand; in the Atlantic States agriculture may precede manufactures; but as soon as there is a surplus population over and above what are required for tilling the best lands, it is a decisive indication that the interest of the country requires an immediate application to manufactures. Our customs are a convenient source of revenue in time of peace, but fail us in time of war, when most wanted. An immediate transition from duties on goods to a direct tax, for a large portion of our revenue, must at all times be felt as a severe inconvenience. A system of excise, in time of war, could easily be adopted, and the duties collected last war on domestic manufactures prove what might be done in future, if those manufactures should be encouraged.

The revival of manufactures would put into active operation millions of capital, and it would give employment to thousands of laborers who are now idle. The busy scenes of 1813, 1814, and 1815, would revive. All hands would find employment; industry its reward; prosperity and happiness would again return; our imports would decrease; we should recover from our ruinous trade with Great Britain and India, the chief cause of our present distress. The balance of trade against us, with England alone, should convince us that our policy, with regard to manufactures, has been radically wrong. The aggregate balance of trade against us with that nation, from the year 1795 to the present time, is more than three hundred and fifty millions of dollars.

I hope and trust we may see the day when we shall reciprocate on the European nations the exclusive regulations which they rigidly observe with respect to us; that we shall be truly national, not only as it respects our navigation, shipping, and commerce, but our manufactures.

Some gentlemen are the professed enemies of manufacturing establishments, and attribute to them all the vices and miseries which, in England, result from an overgrown population. The arguments of such gentlemen can be fairly met. But the manufacturing establishments are in more danger from some of their professed friends, who wish them well, hope they will go on and succeed, but will do nothing for their protection. And why? Sir, the struggles of our manufacturers, unprotected, keep down the price of goods in the market, to the great accommodation of such friends to manufacturers. Had our manufacturing establishments been abandoned in 1816, goods would now be twenty per centum higher in our market. The manufacturers of bar iron have been pressed to the earth in their struggles to participate in our

market; but had they abandoned their works at the end of the war, and consented to be ruined at once, rather than by piece-meal, bar iron would now be selling in Philadelphia and New York at one hundred and thirty dollars per ton. It is not at all surprising that domestic manufactures should have friends of this character.

But, sir, the manufacturers feel indignant at the situation in which they are placed and the purposes to which they are made subservient; and the people of all classes around them, and who have intercourse with them, partake of the same sentiment. Wherever those establishments are made, the people speak to you with united voice. They speak by their petitions and remonstrances, with which your table is loaded; they speak to you by their Legislatures; Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Ohio, are nearly unanimous; and a large portion of Vermont, Maryland, Kentucky, Tennessee, Indiana, and Illinois, are in favor of giving further protection to our manufactures. Three or four millions of people ask you for this protection; and shall they not be heard? Shall an application of such weight and importance be evaded by a motion for indefinite postponement? Do gentlemen flatter themselves that this press can be thus arrested; that it is a cloud that will pass over without producing an effect? They deceive themselves. From the time that Mr. Dallas gave us his estimate of a tariff, upon a scale much too low for the benefit of the country, and from the time that Congress adopted the present tariff, but upon a scale much below the estimate of Mr. Dallas, an interest in favor of domestic industry has taken deep root, and that so extensively as not now to be eradicated. The press, if now evaded, will return with redoubled force, and, sooner or later, must be attended with success.

Gentlemen who act as protectors of interests which, in their opinion, come in conflict with the measures for encouraging domestic manufactures, would consult their true policy by meeting this bill, such as it may be modified, with the spirit of conciliation and accommodation. Without yielding any essential point on their part, the question may now be put at rest, and save those whose interests are thus defended, from regretting, at some future time, that their friends have served them with more zeal than prudence.

Mr. BURRILL followed on the same side, and spoke at considerable length in defence of the bill, in reply to Mr. BARBOUR, and against the postponement.

Mr. OTIS said, that he would not occupy the time of the Senate by multiplying professions of his intention to confine his observations exclusively to the motion of postponement, and to avoid all remarks upon the merits of the bill, because he was warned by the respectable examples of those who had preceded him on both sides, of the extreme difficulty of adhering to such a determination. It was, however, certainly his present purpose to limit himself rigorously to the single question, and, consequently, not to controvert, at large, the argument of the honorable gentleman from Rhode

Island, (to many positions of which he assented,) or to support to their extent those of the honorable member from Virginia, to some of which he might not agree. No person was more friendly than himself to the prosperity of manufactures, or better disposed to afford them a reasonable protection, consistent with the other great interests of the community. He admitted, that they ought to be regarded as an important integer in the statistical establishments of this country, and allowed to his honorable friend from Rhode Island the benefit and justice of all his observations, which were applied to illustrate the truth of the facts, not only that a prosperous state of manufactures contributed to the advance of agricultural improvement, but that it was among the characteristics of every great and flourishing nation. If, then, the proposed object of the bill was nothing more than to provide for a reasonable and measured encouragement to certain manufactures, for the prosecution of which the country had already shown a capacity, and to this end an increase of duties had been proposed on such imported goods as met them in the market with a competition which they could not withstand, he should feel it his duty, and should cheerfully perform it, to examine the details of such a bill, and to decide upon it with the best information and knowledge in his power. But this was not the simple aim of the authors and framers and principal supporters of this bill. They did not disguise their object, which was to make this the foundation of a radical change in the long established policy of the commercial and financial systems of the nation; to make an entire revolution in the various departments of the national industry, and in the distribution of its capital; to divert that capital, by artificial means, into a new current; to enact the existence of new manufactures, as well as to support the old ones; in a word, he said, it was the design of the bill to give the sanction of the nation to the continental, or exclusive system, so called, and institute a new era in our public affairs. The estimated difference, he said, between the product of the present and proposed duties was from five to six millions. It was, then, evident, that, either the consumption of imported merchandise in the country must be diminished, and thus a deficit be made in the revenue from the customs, or the additional amount must operate as a tax upon the whole nation for the protection of manufactures. He did not mean, on this question, to arraign the wisdom of this policy, or to deny that the nation would be, and ought to be, willing to incur this burden. All he contended for was, that they ought to have an opportunity of being consulted, and of being heard. The system might be a salutary reform, but it was of immense importance, pregnant with a train of consequences demanding great consideration and foresight.

The bill was a manifesto of the disposition of a committee, and of one branch of the Legislature, to listen to the claim of the manufacturers, for a bounty of five millions of dollars in the outset. Let the other classes of community, the farmer, the merchant, and (the useful body of men connected with all others) the mechanics, be heard upon the

question, before an irrevocable sanction was given to the system.

It is vain to argue, that the people have had sufficient notice of the proposed measure, and cannot be taken by surprise. It had been said, by the honorable gentleman who had just preceded him, (Mr. BURRILL) that the memorials on the table from various quarters and from Legislative bodies, exhibited a strong and generally prevalent sensation in favor of promoting domestic manufactures, and that the public mind was ripe for a decision corresponding with these indications. He was not disposed to contravene the fact of a prevailing partiality to the manufactures of the country. It existed everywhere, and he rejoiced to see it. It pervaded, as he believed, the walls of that Senate, and he presumed that every individual within them would admit its influence. But the point to be ascertained is, the degree to which the safety and welfare of the country permit that partiality to be indulged. It is very easy to obtain from private and public societies, and from legislative assemblies, strong resolutions and emphatical assurances, in favor of manufactures. But abstract opinions, and the expressions of public sentiment and encouragement of this species of industry, do not warrant the inference that those by whom they are entertained or uttered, are ready to go all lengths themselves, or mean that the Congress of the United States should displace, by sudden legislation, all the relations of society. If the Legislatures, whose resolutions are cited, had been apprized of the ground covered by this bill, and of the sum of money that must be levied upon the consumers of foreign goods, to give it effect, it is not at all apparent that they would have consented to such an amplitude of construction. They would, perhaps, say, to the manufacturers, "when we give you an inch, you take an ell." Whence can we fairly collect the true intent of these legislative proceedings better than from a reference to what has taken place on former occasions? Previously to the revision of the last tariff, great efforts were made by the manufacturing interest to obtain protecting duties, and a most able and elaborate report was made in their favor. But how did it conclude? Merely with two resolutions, one in favor of imposing additional duties upon cotton goods, the other a similar duty on woollen goods. Here, then, is probably the true exponent of the meaning and wish of the people and their Legislatures, namely: that some moderate augmentation should be made of the duties upon these, and upon any other manufactures which are languishing merely through want of such aid; at least it is erring on the safe side, to presume that they did not wish Congress to go further at first.

For a measure of this description, embraced in the ordinary routine of legislative duty, he was prepared. But he required time to understand and mature his views, and to know the sense of his constituents upon the very comprehensive bill before the Senate. Gentlemen of great and luminous minds, who saw through all things at a glance, might wonder at his dulness, but he doubted whether he was alone, or ought to take much

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shame to himself. He regarded the inquiry as involving the most important and complicated principles of the most difficult science—political economy—principles which had divided the opinions of the greatest men, and agitated the counsels of the wisest nations. On one side have been ranged the economists and cyclopedists of the Continent, and on the other the disciples of the celebrated Adam Smith. The former contending for the pre-eminence of the agricultural and exclusive system, and the latter portraying the absurdity and viciousness of bounties, duties, prohibitions, and restraints upon industry, in all or any of its many branches. The judgment of the highest tribunals of literature, and of the most enlightened statesmen, appeared to have been irreversibly rendered in favor of the system of Smith. But of late the controversy is renewed. The champions in favor of free trade and the rights of all classes, are the celebrated Mr. Say, Mr. Ricardo, and several others of the Smith school, though not implicitly adopting all his maxims. While Chaptal, a name of great celebrity, has placed himself in the van of a new group of scientific persons, who, if they do not maintain the abstract correctness of the principles of the exclusive system in its full extent, stickle with great zeal in favor of its practical necessity, in order to countervail the restrictive regulations of other nations. Possibly this necessity may be found to exist in this country. He inclined to the opinion, that it would prove, to a certain extent, imperative upon us, and that the liberal character of our commercial system might be forced to yield to the selfish and jealous systems and codes of other nations. But a departure from our policy ought not to be admitted without great deliberation, and should be at first gradual and experimental. Between these conflicting schemes of political economy, Congress, by this bill, would be called upon to decide at this moment; and it might be supposed, without the least disrespect, that they were not prepared to determine so momentous a controversy, which could not have been foreseen when they came together. He further contended that it was always dangerous to legislate under the influence of sudden impulses and strong excitements, prevailing in any portion of the community. Manufacturing establishments had suffered much throughout the country, though in very different degrees, and, in many instances, had gone to decay. And such is the propensity of the human heart to refer all calamity to whatever appears to be the approximate cause; that those interested in manufactures imputed their ruin exclusively to the want of protecting duties, and had persuaded others to ascribe the general distress of the times to the declension of manufactures.

On this subject he felt that, for himself, much information was needed. He was desirous of time to ascertain in what degree the decline of manufactures had been accelerated by other causes. In some instances, perhaps, there had been an original want of capital, and they grew up out of the credits of banks not more substantial than themselves. In other instances, there may have been want of skill, or a defective economy. Some have

been distanced by the improved machinery of their neighbors, and not a few, probably, had gone down through the misfortune of being originally joint stock companies, placed under the superintendence of an agent interested only in obtaining his stipend, and managed without the close and methodical arrangement, which, under the master's eye, secures the little savings and steady thrift, which are vital to such institutions. Besides the knowledge so desirable on these points, he wanted information concerning the efficacy of the last protecting duties on cotton and iron. He would be glad to learn the effect of the last tariff on the bog-ore of New Jersey as well as on other iron regions; and if that encouragement had not proved sufficient, he should be curious to see the calculations whereon were founded the assurance that the additional provisions of this bill would secure the desired success. It was sufficient, he said, to glance at these considerations, which formed only a portion of those of which a complete and intelligent estimation was requisite, to enable Congress to act with safety to themselves and justice to their constituents. Nothing further was incumbent on the supporters of the motion than to show that the proposed measure was of doubtful advantage, for the danger of acting lay entirely in one way. Should the bill be passed, whatever may be its effect upon the revenue, or its reception by the country, it cannot be repealed without a breach of the public faith. It will be regarded as the foundation of a permanent structure, and as a pledge that the manufacturing interest shall be supported, whatever may be the sacrifice and expense. Reposing upon this security, capital will be withdrawn from other employment, and invested in the fabrications of industry, and in machinery of immense value. The claims to protection, which are now so earnestly pressed upon you, will become irresistible, and considered justly as springing from your deliberate patronage; and, if enough shall not have been done, you must persevere, and do more, otherwise a fearful ruin will indeed overwhelm those who will have trusted to your proffered bounty. The step which we are about to take, therefore, will be one which admits not of receding, under any circumstances; nor, indeed, of halting, if it turns out to be inadequate to the attainment of its object. To return from the error of their ways, is a privilege which nations cannot always exercise with impunity, nor without greater error than that which they attempt to repair. Great Britain and France, and other nations; are chained to the manufacturing systems, and must, at all hazards, maintain their interests, whatever may be the imperfections and inconveniences resulting from them. Before the United States enters into such a compact, imposing the high and perpetual obligations which it implicitly involves, it is not too much to require a pause of a few months to enable them to survey, on all sides, its tendency and effects. While, on the one hand, a precipitate legislation would be accompanied with danger, and might afford subject for unavailing regret, no conceivable injury can arise from a more cautious procedure. If the system is des-

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tinged to receive the steady support of public opinion, this will be manifested, by the next session, in a manner not to be mistaken. The enthusiasm, if the offspring of the true faith, will not be chilled by delay. Popular creeds, whether religious or political, gather strength from opposition.

The honorable gentleman from New Jersey has admitted his persuasion that the proselytes will increase, and has admonished us (indeed, he had almost said menaced, but that gentleman's urbanity forbids that construction,) that the voice of the people will compel Congress to adopt the system. That consideration ought of itself to reconcile that gentleman, and all others, to wait, so that when it shall be established, it may rest upon the sure basis of a well settled public opinion in its favor. There would then be no pretext for changing and rescinding the measure, on the ground of surprise: none for imputing to its friends their having taken an undue advantage of the agitation of the times. There was, he said, a great uneasiness pervading the whole country—a sickening swell of the waves after a long tempest. He doubted not that, in a short time, the violence of the undulation would cease; that the waters would subside, and the ark rest in safety on Ararat.

Gentlemen were indeed extremely mistaken, who could consider that a change in the tariff, so radical and thorough as is now proposed, was to be rated among the familiar acts of ordinary legislation. It was, on the contrary, one of the most responsible and arduous duties to which their attention could be called. Nothing can be more fatal to the prosperity of a country than the disturbance occasioned to the different departments of industry and employment of stock, by frequent variations in its financial projects. Uncertainty and want of confidence in the pursuit of every calling, are the constant associates of such a policy. And, consequently, success is to be expected in none. The act in contemplation will affect all the great interests of the community, and unless they can have timely warning, must affect most of them perniciously. Give them time to adjust their concerns to the new posture which they will be obliged to assume.

He had thus endeavored to execute his purpose of confining himself to the single question before the Senate. If an investigation of the merits of the bill should be forced upon them, some very important and novel inquiries would be found to arise from the constitution of this country, in relation to the subject. It might, perhaps, be found that, without a power under certain circumstances, to prohibit or lay duties upon exports, manufacturers, when they shall become extremely numerous and congregated in particular spots, might be exposed to peculiar distress. A sudden rise in the European market, of the produce of the field, might expose them and their employers to calamities, for which no remedy or mitigation could be found. It might also appear, that other peculiarities in our situation and the extent of our country, would render inapplicable maxims and regulations which others have adopted, and the reverse of this suggestion might be true. The state of the revenue, too,

at a moment when all the data of calculation were so uncertain, and when our relations to a foreign Power might be materially changed, combined to fortify the arguments in favor of a postponement of the bill, which he accordingly hoped would take place.

The question was taken, and the motion to postpone the bill until the next session was decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Brown, Elliot, Gaillard, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Macon, Mellen, Morrill, Otis, Palmer, Pleasants, Smith, Stokes, Taylor, Thomas, Walker of Alabama, Walker of Georgia, Williams of Mississippi, and Williams of Tennessee—22.

NAYS—Messrs. Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, King of New York, Lanman, Logan, Lowrie, Noble, Parrott, Roberts, Ruggles, Sanford, Tichenor, Trimble, Van Dyke, and Wilson—21.

So the bill was postponed.

FRIDAY, May 5.

Mr. MACON submitted the following motion for consideration:

Resolved, That authority ought to be vested in the Treasury Department to examine and finally settle all such equitable claims as cannot, according to the rules and regulations of the Department, be now settled.

THE PRESIDENT communicated a report of the President and Directors of the Washington Canal Company, made in obedience to the provisions of their charter, containing a statement of their receipts and expenditures since the report made on the 31st of January, 1817; and the report was read.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act to prevent the commanders and other officers in the naval service of the United States from accepting of any present or emolument of any kind whatever, from any King, Prince, or foreign State, and for other purposes," reported the same without amendment.

On motion by Mr. PLEASANTS, the Committee on Naval Affairs, to whom was referred the petition of Sally Jackson, of Portsmouth, New Hampshire, and also the report of the Secretary of the Navy, with the statements of the contracts made by the Navy Commissioners, were discharged from the further consideration thereof respectively.

On motion by Mr. HORSEY, the Committee on the District of Columbia, to whom was referred the petition of Daniel Hawley, of New York; and, also, a resolution of the Senate, instructing them to inquire whether any legal provisions be necessary to provide for the accommodation of the courts of said District and of Washington county, and for the office of the clerk of that court, were discharged from the further consideration thereof respectively.

The engrossed bill for the relief of James Leander Cathcart was read a third time, and passed.

The engrossed bill to authorize the appointment

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of commissioners to lay out the road and canals therein mentioned, was read a third time, and passed.

The bill entitled "An act for the relief of Thos. C. Withers," was read a third time as amended, and passed.

The bill entitled "An act for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased," was read a third time as amended, and passed.

The bill entitled "An act for the relief of Beck and Harvey" was read a third time, and passed.

✓ The bill entitled "An act for the benefit of the Columbian Institute, established for the promotion of arts and sciences in the City of Washington," was read a third time, and passed.

The bill entitled "An act for the relief of John D. Carter" was read a third time, and passed.

The bill entitled "An act for the relief of Stephen Baxter, late paymaster of the third regiment of New York volunteers," was read a third time, and passed.

The bill entitled "An act for the relief of Joseph Bruce" was read a third time, and passed.

The bill entitled "An act for the relief of Daniel Converse and George Miller" was read a third time, and passed.

The bill entitled "An act for the relief of the widow of John Heaps" was read a third time, and passed.

The resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution was read a third time, and passed.

The bill entitled "An act for the relief of Charles S. Jones and Richard Buckner, jr., administrators of William Jones," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act for the relief of General James Wilkinson;" and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of Susannah Stewart;" in which bill they request the concurrence of the Senate. They have passed the bill entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendments; and the further consideration thereof was postponed until to-morrow.

The bill last brought up for concurrence was twice read by unanimous consent.

The Senate resumed, as Committee of the Whole, the consideration of the bill for the relief of the inhabitants of the village of Peoria, in the State of Illinois; and, on motion by Mr. WILLIAMS, of Mississippi, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief

of paymasters of the United States Army; and, on motion by Mr. EATON, it was laid on the table.

The bill to alter the times of holding the courts of the District of Columbia was taken up, and, having been amended, was postponed until Monday.

The Senate took up the amendments of the other House to the bill providing for clothing the Army in domestic manufactures.

On motion, the first and second amendments—providing, first, that the preference shall be given to domestic fabrics, if not exceeding five per cent. more than foreign; and, secondly, that public notice shall be given of the supplies wanted, were disagreed to; and the third amendment, extending the provisions of the bill to the Marine Corps, was agreed to by the Senate.

On motion of Mr. KING, of Alabama, the Senate took up the amendments of the other House to the bill establishing additional land offices in Alabama, and having spent some time thereon, the bill was postponed until Monday.

The bills from the other House, for the relief of certain settlers in the State of Illinois, who reside within the Vincennes district; for the relief of Angus O. Fraser; to annex certain lands within the Territory of Michigan to the district of Detroit; to amend the act providing for the publication of the laws of the Union; were severally further considered, and ordered to a third reading, the last named with the amendments heretofore stated.

The bill for the relief of Lewis H. Guerlain was also considered, and ordered to be engrossed.

The Senate resumed the consideration of the bill to limit the term of office of certain disbursing and other officers of the Government; and, the bill having been further amended—

The question was taken on ordering the bill to be engrossed and read a third time, and decided in the affirmative, as follows:

YEAS—Messrs. Barbour, Burrill, Dana, Dickerson, Eaton, Elliot, Gaillard, Horsey, Hunter, Johnson of Louisiana, King of New York, Lanman, Leake, Lowrie, Macon, Mellen, Noble, Otis, Palmer, Roberts, Sanford, Smith, Stokes, Taylor, Thomas, Tichenor, Van Dyke, Williams of Mississippi, and Wilson—29.

NAYS—Messrs. King of Alabama, Lloyd, Ruggles, and Trimble—4.

The Senate adjourned to Monday.

MONDAY, May 8.

A message from the House of Representatives informed the Senate that the House insist on their first amendment to the bill, entitled "An act to provide for clothing the Army of the United States in domestic manufactures, and for other purposes," disagreed to by the Senate. They have passed a bill, entitled "An act to alter and establish certain post roads;" in which bill they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. SMITH, from the Committee on the Judi-

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Land Offices in Alabama—Settlement of Boundary.

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ciary, to whom was referred the petition of Peter Cardelli, a native of the ancient city of Rome, now a resident of the city of Washington, made a report, accompanied by a resolution that the prayer of the petitioner be not granted. The report and resolution were read.

On motion of Mr. WILLIAMS, of Mississippi, the Committee on the Public Lands were discharged from the further consideration of the petitions of Hyacinth Bernard, of Rufus Easton, of Thomas Hardman, of Sarah Macomb, of John Dobson, of Sismund Basey, of John Winton, and of John Potter.

On motion of Mr. THOMAS, the Senate took up the bill for the relief of the inhabitants of the village of Peoria, in Illinois; and, having been discussed and amended, the bill was ordered to be engrossed and read a third time.

The following bills from the other House were severally read the third time, passed, and returned, viz: The bill to annex certain lands within the Territory of Michigan to the land district of Detroit; the bill for the relief of Agnes O. Fraser; the bill for the relief of certain settlers in the State of Illinois, who reside in the land district of Vincennes; the bill to amend the act providing for the publication of the laws of the Union, (with amendments); and the bill for the relief of Lewis H. Guerlain.

The engrossed bill to limit the term of office of certain officers was also read the third time, passed, and sent to the other House for concurrence.

The Senate took up the amendments of the other House to the bill extending the charter of the City of Washington, and agreed to all of them, except that which strikes out of the charter the authority to the city to raise, with the approbation of the President of the United States, money for certain purposes by way of lottery. This amendment was advocated by Messrs. KING of New York, and BURRILL, and opposed by Messrs. HORSEY, and ROBERTS, and was disagreed to—16 to 10—and a committee of conference appointed on the part of the Senate on the subject.

The following bills from the other House successively underwent examination and discussion in Committees of the Whole, and were severally ordered to be read a third time, viz: The bill for the relief of General James Wilkinson; the bill to alter the times of holding the courts of the District of Columbia, (with an amendment, making the bill to take effect from and after the first of January next); the bill extending the time for the redemption of land sold for direct taxes, in certain cases; the bill for the relief of Samuel B. Beall; the bill for the relief of Martha Flood; and the bill authorizing the sale of thirteen sections of land lying within the land district of Canton, in Ohio.

On motion by Mr. VAN DYKE, the Committee on Pensions, to whom was referred the petition of Vassel White, were discharged from the further consideration thereof.

On motion by Mr. LOWRIE, the Committee on Public Lands, to whom was referred the petition of James Brady, of Pennsylvania, were discharged from the further consideration thereof.

LAND OFFICES IN ALABAMA.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act to establish additional land offices in the State of Alabama." The first amendment having been previously disagreed to, on the question to agree to the second of the said amendments, as amended, as follows:

"SEC. 2. *And be it further enacted*, That, for the disposal of so much of the unappropriated public lands in the State of Indiana as are within the following boundaries, and to which the Indian title is extinguished, the following district shall be formed: all the public lands as aforesaid, to which the Indian title was extinguished, by the treaties concluded at St. Mary's in the month of October, eighteen hundred and eighteen, lying between the range line separating the second and third ranges, west of the second principal meridian; extended north to the present Indian boundary, and the range line separating the fifth and sixth ranges, east of the second principal meridian; extended north to the present Indian boundary; and north of a line separating the ninth and tenth tiers of townships north of the base line; shall form a district, for which a land office shall be established at Brownstown."

It was determined in the negative—yeas 7, nays 21, as follows:

YEAS—Messrs. Dickerson, Edwards, Noble, Rugles, Taylor, Thomas, and Trimble.

NAYS—Messrs. Burrill, Eaton, Elliot, Gaillard, Horsey, King of Alabama, Lanman, Leake, Logan, Lowrie, Macon, Morril, Parrott, Pleasants, Roberts, Sanford, Stokes, Van Dyke, Walker of Alabama, Williams of Mississippi, and Williams of Tennessee.

And the third amendment having been also disagreed to, and the other amendments being agreed to, it was resolved that the Senate disagree to the first, second, and third of said amendments, and agree to the residue thereof.

SETTLEMENT OF BOUNDARY.

The Senate resumed the consideration of the resolution from the other House, declaring the consent of Congress to a compact between the States of Tennessee and Kentucky for the settlement of their dividing line.

Mr. EATON moved to amend the resolution so as to extend the approbation of Congress not only to this compact, but "to such compact as may be agreed on between said States."

This amendment was opposed by Mr. LOGAN, and was advocated by Messrs. EATON and WILLIAMS, of Tennessee, on the ground that the settlement recommended by the commissioners had not yet been acted on by the Legislature of Tennessee, though it had been by that of Kentucky; that it was not certain that it would be ratified by the Legislature of the former State, and they wished to provide for any agreement which might be finally concluded between the two States. The amendment was negatived; when—

Mr. WILLIAMS, of Tennessee, moved the indefinite postponement of the resolution; but afterwards varied his motion to a postponement until to-morrow; which was agreed to.

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Atlantic Canals.

SENATE

ATLANTIC CANALS.

The Senate resumed, in Committee of the Whole, (Mr. MORRIL in the chair,) the consideration of the bill to authorize the appointment of commissioners to examine the route of the Chesapeake and Delaware Canal, as already laid out, and the route of the proposed canal from the waters of the Delaware to those of the Raritan.

Mr. SMITH and Mr. MACON opposed the bill on principle, and at considerable length. The bill, its constitutionality, and expediency, were supported at large by Messrs. KING, of New York, DICKERSON, and VAN DYKE.

Mr. SMITH moved its postponement to the next session; which motion was negatived—yeas 11, nays 15.

Mr. BURRILL moved to insert a clause providing also for a survey of "the best route for a canal from Naragansett Bay to Massachusetts Bay." This amendment, Mr. B. remarked, was not offered to defeat the bill, but the object was as essential as any other to preserve the line of inland navigation: it had been often thought of, and would abridge the sea voyage as much, if not more, than any other improvement on the coast, as it would save the long voyage around the great promontory of Cape Cod.

Mr. VAN DYKE said this amendment would present directly a Constitutional difficulty, as it involved the question which the Executive had expressed his opinion on; it going to provide for an object to which the consent of the States had not been given, and had not been taken up by a company, &c.

Mr. BURRILL replied as to the facts of the case, and argued that this amendment could not possibly present any greater Constitutional difficulty than any other feature of the bill.

On motion of Mr. SMITH, who wished, if the bill was to pass, also to offer some amendments, the bill was postponed until to-morrow.

TUESDAY, May 9.

Mr. ROBERTS gave notice that, to-morrow, he should ask leave to bring in a resolution for an allowance for extra services to assistants to the Doorkeeper to the Senate.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the petition of Samuel Haley, of the Isles of Shoals, reported a bill authorizing the repair of a sea-wall at the Isles of Shoals; and the same was read, and passed to a second reading.

Mr. DICKERSON, from the same committee, to whom was referred the petition of Herbert Grant, made a report, accompanied by a resolution, that the petitioner have leave to withdraw his petition. The report and resolution were read.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line; and, on motion by Mr. WILLIAMS, of Tennessee, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish an uniform mode of discipline and field exercise for the militia of the United States; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The bill to allow the heirs of William and Eliza Winter to file a petition of right against the United States, was taken up, and the amendments reported thereto by the Judiciary Committee were agreed to; and the bill was ordered to be engrossed for a third reading, by yeas and nays—yeas 22, nays 7, as follows:

YEAS—Messrs. Brown, Burrill, Dana, Eaton, Edwards, Gaillard, Hunter, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Lowrie, Mellen, Pleasants, Sanford, Smith, Trimble, Walker of Alabama, Williams of Mississippi, Williams of Tennessee, and Wilson.

NAYS—Messrs. Lanman, Macon, Morrill, Roberts, Ruggles, Taylor, and Tichenor.

The bill, entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia," was read a third time, as amended, and passed.

The bill for the relief of the inhabitants of the village of Peoria, in the State of Illinois, was read a third time, and passed.

The bill entitled "An act for the relief of General James Wilkinson" was read a third time, and passed.

The bill entitled "An act extending the time for the redemption of land sold for direct taxes in certain cases," was read a third time, and passed.

The bill entitled "An act for the relief of Samuel B. Beall" was read a third time, and passed.

The bill entitled "An act for the relief of Martha Flood" was read a third time, and passed.

The bill entitled "An act for the sale of thirteen sections of land lying within the land district of Canton, in the State of Ohio," was read a third time, and passed.

Mr. WILLIAMS, of Mississippi, from the Committee on Public Lands, to whom was referred, on the 15th ultimo, the bill to revive the powers of the commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to lands within the Territory of Michigan, reported the same without amendment.

The Senate resumed the consideration of the report of the Committee on the Judiciary, to whom was referred the petition of Peter Cardelli, a native of the ancient city of Rome, now resident at the city of Washington, and, in concurrence therewith, resolved, that the prayer of the petitioner be not granted.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom the subject was referred, reported a bill for the relief of Jacob Babbitt, and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the purchase of a certain number of copies of the

Declaration of Independence, published by John Binns; and, on motion by Mr. Mellen, it was laid on the table.

Mr. HORSEY reported from the Committee on the District of Columbia, without amendment, the bill from the other House for the relief of William Pancost, with a recommendation that it be postponed indefinitely; which Mr. H. moved and explained the reasons therefor, and the motion was agreed to.

AFFAIRS WITH SPAIN.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

To the Senate of the United States :

I communicate to Congress a correspondence which has taken place between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, since the Message of the 27th March last, respecting the treaty which was concluded between the United States and Spain, on the 22d February, 1819.

After the failure of His Catholic Majesty, for so long a time, to ratify the treaty, it was expected that this Minister would have brought with him the ratification; or, that he would have been authorized to give an order for the delivery of the territory, ceded by it, to the United States. It appears, however, that the treaty is still unratified, and that the Minister has no authority to surrender the territory. The object of his mission has been to make complaints, and to demand explanations, respecting an imputed system of hostility, on the part of the citizens of the United States, against the subjects and dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries, as the condition on which the treaty should be ratified.

Unexpected as such complaints and such a demand were, under existing circumstances, it was thought proper without compromising the Government, as to the course to be pursued, to meet them promptly, and to give the explanations that were desired, on every subject, with the utmost candor. The result has proved, what was sufficiently well known before, that the charge of a systematic hostility being adopted, and pursued by citizens of the United States, against the dominions and subjects of Spain, is utterly destitute of foundation; and that their Government, in all its branches, has maintained, with the utmost rigor, that neutrality, in the civil war between Spain and the colonies, which they were the first to declare. No force has been collected, nor incursions made from within the United States, against the dominions of Spain; nor have any naval equipments been permitted, in favor of either party, against the other. Their citizens have been warned of the obligations incident to the neutral condition of their country; the public officers have been instructed to see that the laws were faithfully executed; and severe examples have been made of some who violated them.

In regard to the stipulation proposed, as the condition of the ratification of the treaty, that the United States shall abandon the right to recognise the revolutionary colonies in South America, or to form other relations with them, when, in their judgment, it may be just and expedient so to do, it is manifestly so repugnant to the honor, and even to the independence of the United States, that it has been impossible to discuss it. In making this proposal, it is perceived

that His Catholic Majesty has entirely misconceived the principles on which this Government has acted, in being a party to a negotiation so long protracted, for claims so well founded and reasonable, as he likewise has the sacrifices which the United States have made, comparatively, with Spain, in the treaty, to which it is proposed to annex so extraordinary and improper a condition.

Had the Minister of Spain offered an unqualified pledge that the treaty should be ratified by his Sovereign, on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate, for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper; but he gives no such pledge; on the contrary, he declares, explicitly, that the refusal of this Government to relinquish the right of judging and acting for itself, hereafter, according to circumstances, in regard to the Spanish colonies, a right common to all nations, has rendered it impossible for him, under his instructions, to make such engagement. He thinks that his Sovereign will be induced, by his communications, to ratify the treaty; but still he leaves him free, either to adopt that measure or to decline it. He admits that the other objections are essentially removed, and will not, in themselves, prevent the ratification, provided the difficulty on the third point is surmounted. The result, therefore, is, that the treaty is declared to have no obligation whatever; that its ratification is made to depend, not on the considerations which led to its adoption, and the conditions which it contains, but on a new article, unconnected with it, respecting which a new negotiation must be opened, of indefinite duration and doubtful issue.

Under this view of the subject, the course to be pursued would appear to be direct and obvious, if the affairs of Spain had remained in the state in which they were when this Minister sailed. But it is known that an important change has since taken place in the Government of that country, which cannot fail to be sensibly felt in its intercourse with other nations. The Minister of Spain has essentially declared his inability to act in consequence of that change. With him, however, under his present powers, nothing could be done. The attitude of the United States must now be assumed, on full consideration of what is due to their rights, their interest, and honor, without regard to the powers or incidents of the late mission. We may, at pleasure, occupy the territory which was intended and provided, by the late treaty, as an indemnity for losses so long since sustained by our citizens; but still nothing could be settled definitively without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor. But they have no objects of that kind to accomplish; none which are not founded in justice, and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation. The good order, moderation, and humanity, which have characterized the movement, are the best guarantees of its success. The United States would not be justified, in their own estimation, should they take any step to disturb its harmony. When the Spanish Government is completely organized, on the principles of this change, as it is expected

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it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled.

With these remarks I submit it to the wisdom of Congress, whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

WASHINGTON, May 9, 1820.

The Message and documents were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

ATLANTIC CANALS.

The Senate resumed, in Committee of the Whole, (Mr. MORRIL in the chair,) the bill to authorize the appointment of commissioners to survey the routes of certain canals—Mr. BURRILL's amendment being still under consideration.

Mr. TRIMBLE hoped the amendment would not be adopted. The committee had reported this bill in such a shape as to make it unexceptionable to the Executive, whose opinion on the subject had been officially avowed. The opinion of the Executive was, that Congress had no power to convert the property of individuals to public uses, but that they might subscribe to the stock of companies formed for effecting public improvements. This amendment would conflict with that opinion, and might, if adopted, defeat the objects of the bill.

Mr. BURRILL could see no difference, except in favor of the amendment. The fact that the State of Massachusetts had not taken up this object, was a reason for its being done by this Government; it was as important as well in regard to the public security as to other advantages as any other; the objects contemplated by the bill had been commenced by the States, and from their great value to the internal communication, and their vicinity to the great cities of the seaboard, they could be accomplished without any aid from the General Government. The object of the amendment was differently circumstanced. This, for local reasons, had not been considered important by the State of Massachusetts; that State had directed its attention to a different object—to the canal into Buzzard's bay. The route contemplated by him in offering the amendment was from the waters of Taunton river to Boston bay, and though the river fell into Naragansett bay, the canal would be wholly in Massachusetts, and excluded the interference of any other State. But, Mr. B. said, the United States had just as much right to order a survey in one State as in another; the permission of a State was no more necessary in one instance than in another; and, in fact, the permission of a State gave no right to the General Government which was not possessed without it; the States individually could not confer any more than they could withhold powers; and he hoped, as this object was not inferior to any other in importance, that the amendment would be adopted.

Mr. SMITH offered a few remarks against the amendment, and Mr. WILSON a few in favor of the amendment; and, on taking the question, the amendment was agreed to—yeas 14, nays 9.

The Senate proceeding to fill the blanks in the bill, and some debate arising—

Mr. MELLEN conceived that all this discussion was useless, inasmuch as if the bill were to be matured and pass this House, there was little chance of its passing the other branch at so late a period of the session. He therefore moved the indefinite postponement of the bill.

Mr. DICKERSON acquiesced in the reasons against prosecuting the measure any further in this House at the present session, and seconded the motion.

The question was then taken, and the motion was agreed to. So the bill was indefinitely postponed.

WESTERN CANAL.

The Senate then took up, in Committee of the Whole, (Mr. HORSEY in the chair,) the bill to authorize the appointment of commissioners to examine the country between the Sandusky and Miami bays of Lake Erie, and the navigable waters of the Scioto and the Great Miami rivers of the Ohio, to ascertain whether and by what route a canal can be laid out to connect those waters; and, if practicable to determine and lay out the route of such canal, &c.

Mr. EATON moved that the further consideration of the bill be postponed indefinitely, and offered his reasons in opposition to the bill, as did also Mr. SMITH. The bill was supported at much length both by Mr. KING, of New York, and by Mr. TRIMBLE.

The question being taken on the indefinite postponement of the bill, it was decided, by yeas and nays, in the negative, as follows:

YEAS—Messrs. Barbour, Eaton, Gaillard, King of Alabama, Leake, Macon, Morrill, Pleasants, Smith, Tichenor, Walker, of Alabama, Williams of Mississippi—12.

NAYS—Messrs. Brown, Burrill, Dana, Dickerson, Horsey, Hunter, Johnson of Louisiana, King of New York, Lanman, Lloyd, Lowrie, Mellen, Parrott, Roberts, Ruggles, Sanford, Taylor, Thomas, Trimble, Wilson—20.

Mr. RUGGLES moved to strike out of the bill the following provision: "And the sale of forty-five townships and fractional townships, which have been surveyed in the Delaware district, shall be suspended until the end of the next session of Congress."

This motion was negatived; when

Mr. RUGGLES moved to strike out the following proviso:

"Provided always, and it is hereby enacted and declared, that nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or defray the expenses of making, the canal hereby authorized to be laid out."

And in lieu thereof to insert the following:

"Provided, That if the commissioners aforesaid shall be of opinion that a canal can be opened, and shall survey and lay out the same, it is hereby enacted and declared, that the additional sum for which the public lands shall sell, above the minimum price fixed by law, in the two ranges through which the same

shall run, shall be, and hereby is, appropriated for making the said canal."

The amendment was supported by the mover, on the ground that, if the laying out the route of a canal should, as was predicted, augment the value of the public lands in that quarter and make them bring a greater price, it would be in some sort an act of deception, at least an unfair tax on the purchasers, not to proceed to the execution of the canal, by applying to it the increased revenue from the sales. The motion was also advocated by Mr. LOWRIE.

The amendment was opposed by Mr. KING, of New York, because his views in supporting this bill were altogether national, and not for the particular benefit of Ohio, or any other section, however much advantage that State might derive from it incidentally. He wished the question proposed by the amendment to be left for future decision.

Mr. TRIMBLE opposed the amendment, because he feared it would put the bill itself in jeopardy, and spoke some time against the motion.

The amendment was negatived by a large majority—only four or five rising in its favor.

The bill was then reported to the Senate; and after some remarks by Mr. MACON, in opposition to the bill,

The question was taken on ordering it to be engrossed and read a third time, and decided in the affirmative, by the following vote:

YEAS—Messrs. Burrill, Dickerson, Edwards, Horsey, Hunter, Johnson of Louisiana, King of New York, Lanman, Lloyd, Lowrie, Morrill, Noble, Palmer, Parrott, Roberts, Ruggles, Sanford, Taylor, Thomas, Trimble—20.

NAYS—Messrs. Barbour, Dana, Eaton, Gaillard, Leake, Logan, Macon, Pleasants, Smith, Tichenor, Walker of Alabama, Williams of Mississippi, Williams of Tennessee—13.

WEDNESDAY, May 10.

The PRESIDENT communicated the report of the Secretary of War, to whom was referred the remonstrance of Samuel Blackburn, and others; and the report was read.

Mr. ROBERTS asked and obtained leave to bring in the following resolutions:

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid out of the contingent fund two dollars a day for each day they may have attended the Senate during the present session of Congress; and that Charles and Henry Tims be allowed one hundred dollars for their attendance during the present session.

Resolved, That there be paid out of the contingent fund of this House, to Robert Tweedy, Tobias Simpson, and George Hicks, the extra sum of one hundred dollars each, as a gratuity for their uniform good conduct.

The said resolutions were twice read, by unanimous consent.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of persons holding confirmed un-

located claims for lands in the State of Illinois," reported the same without amendment.

On motion by Mr. SANFORD, the Committee on Finance, to whom was referred the petition of Benjamin Wells, and also the petition of Benjamin Wells, and others, were discharged from the further consideration thereof respectively.

On motion by Mr. DICKERSON, the Committee on the Library of Congress, to whom was referred the memorial of Julia Plantou, were discharged from the further consideration thereof.

The Senate resumed the consideration of the report of the Committee on Commerce and Manufactures, to whom was referred the petition of Herbert Grant, and, in concurrence therewith, resolved, that the petitioner have leave to withdraw his petition.

The bill authorizing the repair of a sea wall at the Isles of Shoals, and also the bill for the relief of Jacob Babbitt, were severally read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish a uniform mode of discipline and field exercise for the Militia of the United States; and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving the right of pre-emption to James Shields;" and, no amendment having been made, it was reported to the House, and passed to a third reading.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to inquire into, and report what subjects it will be proper to act on during the present session; in which resolution they request the concurrence of the Senate.

The said resolution was read three times by unanimous consent, and passed; and Messrs. BURRILL, ROBERTS, and SANFORD, were appointed the committee on the part of the Senate.

The engrossed bill to authorize the legal representatives of Elisha and William Winter, and the Attorney General on the part of the United States, to take the examination of witnesses by commission; and the engrossed bill to authorize the appointment of commissioners to lay out the route of a canal through the public lands in Ohio, were severally read the third time, passed, and sent to the other House for concurrence.

The resolution giving the consent of Congress to a compact between Kentucky and Tennessee, for the settlement of their boundary line, was again considered, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the sale of part of the glebe of Rock Creek Church, in the county of Washington, in the District of Columbia;" and, on motion by Mr. HUNTER, it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed a

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Pre-emption Rights.

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bill, entitled "An act fixing the time for the next meeting of Congress," and, also, a resolution to suspend, for a limited time, the act in addition to the act, to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war, in which bill and resolution they request the concurrence of the Senate.

The bill and resolution were read, and severally passed to the second reading.

The Senate took up the bill for the relief of Græme Keith Spence; and, on motion, the said bill was indefinitely postponed.

Mr. STOKES, from the committee on that subject, to which had been referred the bill from the other House, to alter and establish certain post roads, reported the same, with sundry amendments, which, with the bill, were forthwith taken up in Committee of the Whole, severally agreed to, ordered to be engrossed, and, with the bill, to be read a third time.

The Senate took up the message announcing that the other House insist on its amendment to the bill to provide for clothing the army, &c., in domestic manufactures; whereupon, the Senate resolved to insist on their disagreement to said amendment, (which proposes to fix five per cent. as the amount of preference to be given to domestic fabrics.)

PRE-EMPTION RIGHTS.

On motion of Mr. THOMAS, the Senate proceeded, in Committee of the Whole, (Mr. HORSEY in the chair,) to the consideration of the following bill, to grant the right of pre-emption to actual settlers on the public lands:

Be it enacted, &c., That every person, or the legal representatives of every person who has actually inhabited and cultivated, and who now resides upon any tract of land lying in any district established for the sale of public lands, which tract is not rightfully claimed by any other person, such person residing as aforesaid, or his or her legal representatives, shall be entitled to a preference in becoming the purchaser, from the United States, of such tract of land, at private sale, upon the same terms and conditions, in every respect, as are now, or shall hereafter be provided by law, for the sale of other public lands sold at private sale: *Provided,* That no more than one quarter section of land shall be sold to one individual, in virtue of this act, and the same shall be bounded by the sectional and divisional lines run, or to be run according to law: *Provided, also,* That no lands reserved from sale by former acts, or lands which have been directed to be sold in town lots, shall be sold under this act.

Sec. 2. *And be it further enacted,* That, in cases where two or more persons, entitled to the right of pre-emption in virtue of this act, shall be settled as aforesaid, upon one quarter or fractional quarter section of land, each person shall be authorized to purchase one quarter section, or fractional quarter section of land, upon which they are so settled; and the quarter section, or fractional quarter section upon which such persons are settled, shall be equally divided between them, in such manner as the register and receiver within whose district the land lies shall determine and direct; so as to secure, as far as practicable, to every such person, their improvements respectively.

Sec. 3. Provides that every person claiming a preference in becoming the purchaser in a tract of land, in virtue of this act, shall make known his or her claim by delivering a notice, in writing, to the register of the land office for the district in which the land may lie. That all lands to be sold under this act shall be entered with the register, at least two weeks before the time of the commencement of the public sales in the district wherein the land lies; that every person having a right of preference in becoming the purchaser of a tract of land, who shall fail to make his or her entry with the register, within the time prescribed, his or her right shall be forfeited, and the land by him or her claimed shall be offered at public sale with the other public lands in the district to which it belongs, &c.

Mr. WILLIAMS, of Mississippi, by direction of the Committee on the Public Lands, moved the indefinite postponement of the bill.

This motion gave rise to considerable debate, in which the bill was supported by Messrs. THOMAS, EDWARDS, KING, of New York, NOBLE, JOHNSON, of Louisiana, and SMITH, and opposed by Messrs. LOWRIE, LANMAN, ROBERTS, and MELLEN; the two last named not opposed to granting some relief to actual settlers, under the late change in the mode of disposing of the public lands, but not in the way proposed by the bill.

The motion to postpone the bill indefinitely was ultimately decided in the negative, by yeas and nays—yeas 14, nays 31, as follows:

YEAS—Messrs. Burrill, Elliot, Hunter, Lanman, Leake, Lowrie, Macon, Mellen, Morrill, Sanford, Taylor, Tichenor, Walker of Alabama, and Williams of Mississippi.

NAYS—Messrs. Barbour, Dana, Edwards, Gaillard, Horsey, Johnson of Louisiana, King of New York, Logan, Noble, Palmer, Parrott, Pinkney, Pleasants, Roberts, Ruggles, Smith, Stokes, Thomas, Trimble, Williams of Tennessee, and Wilson.

Mr. KING, of New York, then, agreeably to a suggestion which had been thrown out in debate, moved to reduce the quantity of land for which the pre-emption shall be allowed, from a quarter section to a half quarter section, (80 acres;) which amendment was agreed to.

On motion of Mr. RUGGLES, the second section was stricken out.

Mr. ROBERTS moved to add to the bill the following proviso: "*Provided, also,* that no person or persons shall be entitled to receive the benefit of this act, wherein any transfer of a pre-emption right has been made before the patent shall have issued for the land claimed under such right, and every such transfer shall be null and void."

This amendment was opposed, for various reasons, by Messrs. JOHNSON, of Louisiana, MACON, LOWRIE, EDWARDS, and WALKER, of Alabama—the last named gentleman submitting also, at considerable length, his reasons in opposition to the bill.

The proposed amendment was negatived—14 to 12; and the bill was then laid by until to-morrow.

THURSDAY, May 11.

The resolution to suspend, for a limited time, the act, in addition to the act, to provide for cer-

tain persons engaged in the land and naval service of the United States; and, also, the bill entitled "An act fixing the time for the next meeting of Congress;" were severally read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the repair of a sea-wall at the Isles of Shoals; and, on motion by Mr. PARROTT it was laid on the table.

The Senate, according to the order of the day, resumed the consideration of the bill granting the right of pre-emption to settlers on the public lands; when, on motion of Mr. EDWARDS, the bill was laid on the table.

The bill for the relief of Jacob Babbitt, was taken up in Committee of the Whole, and after some discussion, in which Messrs. HUNTER and BURRILL supported the bill; it was ordered to be engrossed for a third reading.

The bill for the relief of Susannah Stewart was taken up and considered, and ordered to a third reading.

The bills from the other House, to establish a uniform mode of discipline and field exercise for the militia of the United States; giving the right of pre-emption to James Shields, to alter and establish certain post roads; and the resolution declaring the consent of Congress to the compact between Kentucky and Tennessee, for the settlement of their dividing line, were severally read the third time, passed, and returned to the other House.

The PRESIDENT communicated the general account of the Treasurer of the United States for the quarter ending the 30th of September, 1819, with the report thereon, which were read.

Mr. HORSEY, from the Committee of Conference, on the disagreeing vote of the two Houses, on the amendment of the House of Representatives, to the bill renewing the charter of the City of Washington, (which amendment was, to strike out the authority to the corporation to raise money for particular objects by way of lottery, sanctioned by the President of the United States,) made a report recommending that the said power be limited to ten years; which recommendation was concurred in by the Senate.

A message from the House of Representatives informed the Senate that the House recede from their first amendment to the bill, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all other acts heretofore passed for that purpose," and agree to the modification thereof as reported by the Committee of Conference thereon.

They have passed a bill, entitled "An act in addition to the act, entitled 'An act making appropriations for the support of Government for the year 1820,' in which bill they request the concurrence of the Senate.

NEXT MEETING OF CONGRESS.

The Senate, on motion of Mr. BARBOUR, took up the bill from the other House to fix the time of the next meeting of Congress at an earlier day (the second Monday of November) than the Constitutional day.

Mr. BARBOUR, for the purpose of destroying the bill, moved to postpone it indefinitely, and spoke some time against the inconvenience to the professional and agricultural members, and the great sacrifice to those particularly who have families, to spend so great a portion of their time here, and the bad tendency of protracting the duration of the sessions of Congress.

The motion was supported also by Messrs. WALKER of Alabama, MACON, and KING of New York; and was opposed by Messrs. BURRILL, SMITH, and LANMAN. The debate turned principally on the nature of the business which it is known or expected will occupy the attention of the next session—the expediency of departing from the day appointed by the Constitution, except in extraordinary cases, &c.

The question being taken on the indefinite postponement of the bill, it was decided in the negative by yeas and nays—yeas 13, nays 22.

Mr. ROBERTS then moved to strike out the second Monday, and insert the fourth Monday of November; and spoke against an earlier meeting of the next session, and against meetings generally at an earlier than the Constitutional day.

Mr. MORRIL required a division of the question, and spoke in support of an earlier meeting of the next session.

Mr. DANA opposed the motion, and advocated the bill.

The motion was negatived, and the bill was ordered to be read a third time—yeas 20.

REVOLUTIONARY PENSIONS.

The Senate took up, in Committee of the Whole, (Mr. KING, of Alabama, in the Chair,) the resolution from the other House, suspending the operation of the act of this session, to amend the Revolutionary pension law, so far as not to interfere with the payment of the half year's pension which would be payable in September next.

Mr. BARBOUR, for reasons which he submitted at large, moved to postpone the resolution indefinitely.

On this proposition a debate arose, which continued till near five o'clock, in which the merits of the original act were largely discussed, as well as the propriety of repealing, or suspending, the operation of an act, by a resolution, passed at the same session, &c. The postponement was advocated by Messrs. MELLEN, ROBERTS, SMITH, MACON, and TRIMBLE, and the motion was opposed by Messrs. LANMAN, DANA, BURRILL, and MORRIL.

The question was ultimately decided in the negative by the following vote:

For postponement—Messrs. Brown, Eaton, Edwards, Gaillard, Horsey, Johnson of Louisiana, King of Alabama, Macon, Noble, Pleasants, Roberts, Rugles, Smith, Stokes, Taylor, Thomas, Trimble, Walker of Alabama, Williams of Mississippi, and Williams of Tennessee—22.

Against postponement—Messrs. Burrill, Dana, Dickerson, Hunter, King of New York, Lanman, Lowrie, Mellen, Morrill, Palmer, Parrott, Sanford, and Tichenor—13.

So the resolution was rejected.

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FRIDAY, May 12.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, transmitting a copy of the report of the land commissioners at St. Helena, and a copy of their list of actual settlers; which were read.

On motion by Mr. MORRIL, the Committee on the District of Columbia were directed to inquire if the law, entitled "An act authorizing the purchase of fire engines, and for the safe-keeping of the same," passed the 3d of March, 1819, has been carried into effect.

The bill brought up yesterday for concurrence, was twice read by unanimous consent, and referred to the Committee on Finance.

The Senate took up, on motion of Mr. PLEASANTS, the bill from the other House "to prevent the commanders and other officers in the naval service of the United States from accepting of any present or emolument of any kind whatever from any King, Prince, or foreign State, and for other purposes," and having undergone a good deal of discussion, and some amendment, it was recommended, on motion of Mr. WALKER, of Alabama, with instructions so to modify its provisions as to make their application general.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I communicate to Congress translations of letters from the Minister of Spain to the Secretary of State, received since my Message of the 9th instant.

JAMES MONROE.

WASHINGTON, May 12, 1820.

The Message and letters were read, and ordered to be printed.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, together with the returns of causes depending in the courts of the United States, collected conformably to a resolution of the Senate of the 18th of January, 1819.

JAMES MONROE.

WASHINGTON, May 11, 1820.

The Message and documents were read.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy,'" and, also, to make further provision for punishing the crime of piracy; with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider said amendments; and the further consideration thereof was postponed until to-morrow.

The bill for the relief of Jacob Babbit was read a third time, and passed.

The bill entitled "An act for the relief of Catharine Stewart" was read a third time, and passed.

The bill entitled "An act fixing the time for the

next meeting of Congress" was read a third time, and passed.

The Senate resumed the consideration of the resolution for paying the assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, for their attendance during the present session, and the same having been amended, it was ordered to be engrossed and read a third time.

The Senate resumed the consideration of the resolution authorizing an extra allowance to the said assistants, as a gratuity for their uniform good conduct, and the same having been amended, it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois;" and, on motion, it was laid on the table.

Mr. BURRILL, from the joint committee, appointed to inquire and report what business it will be necessary to act on during the present session, made a report; which was read.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act authorizing the holding of a certain number of small vessels of war," with an amendment, in which they request the concurrence of the Senate.

They have also passed a bill entitled "An act to amend the act, entitled 'An act authorizing the employment of an additional naval force,'" and, also, a resolution authorizing the President of the United States to negotiate with foreign Governments on the means of effecting an entire abolition of the slave trade, in which bill and resolution they request the concurrence of the Senate.

SATURDAY, May 13.

On motion, by Mr. WILLIAMS, of Mississippi, the Committee on Public Lands, to whom was referred the petition of William Wikoff, and, also, the petition of Abraham Mace, of Louisiana, were discharged from the further consideration thereof, respectively, and the latter had leave to withdraw his petition; and they were also discharged from the further consideration of the petition of certain inhabitants of the county of Monroe, in the State of Alabama; and the memorial of the Intendant, and Council, and citizens, of the town of Claiborne, in Alabama; and said petition and memorial were referred to the Secretary of the Treasury.

On motion by Mr. BROWN, the Committee on Foreign Relations, to whom was referred the petition of James Simpson, American Consul at Morocco, were discharged from the further consideration thereof.

On motion, by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of Ann Wilson, the petition of George Jackson, and, also, the case of Christian Wilman, were discharged from the further consideration thereof, respectively.

The bill and resolution brought up yesterday for concurrence were read, and severally passed to the second reading.

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The bill entitled "An act authorizing the employment of an additional naval force" was read the second time by unanimous consent.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois;" and, no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The following resolutions were respectively read a third time, and passed.

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid out of the contingent fund two dollars a day for each day they may have attended the Senate during the present session of Congress, and that Charles Tims be also allowed two dollars per day for his attendance during the present session of Congress.

Resolved, That there be paid out of the contingent fund of this House, to Robert Tweedy, Tobias Simpson, and George Hicks, the extra sum of one hundred and fifty dollars each, as a gratuity for their uniformly good conduct.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act authorizing the building of a certain number of small vessels of war," and concurred therein.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend an act making reservation of certain public lands for naval purposes, passed first of March, 1817; a bill, entitled "An act designating the ports within which, only, foreign armed vessels shall be permitted to enter;" a bill, entitled "An act to revive and continue in force an act, entitled 'An act to provide for persons who were disabled by known wounds, received in the Revolutionary war, and for other purposes,'" and, also, a bill, entitled "An act to increase the number of clerks in the Department of War;" they have also passed the bill which originated in the Senate, entitled "An act to provide for sick and disabled seamen," with amendments; in which bills and amendments they request the concurrence of the Senate.

The Senate proceeded to consider the amendments to the bill last mentioned; and, on motion, they were referred to the Committee on Commerce and Manufactures.

The four bills last brought up for concurrence were read, and severally passed to the second reading.

The bill, entitled "An act to amend an act making reservation of certain public lands for naval purposes, passed first of March, 1817;" was read the second time, by unanimous consent.

The bill, entitled "An act designating the ports within which, only, foreign armed vessels shall be permitted to enter," was read the second time, by unanimous consent, and referred to the Committee on Foreign Relations.

The bill, entitled "An act to revive and continue in force an act, entitled 'An act to provide

for persons who were disabled by known wounds, received in the Revolutionary war, and for other purposes," was read the second time, by unanimous consent, and referred to the Committee on Pensions.

The bill, entitled "An act to increase the number of clerks in the Department of War," was read the second time by unanimous consent, and referred to the Committee on Military Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive the powers of the commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to lands within the Territory of Michigan; and, on motion, by Mr. WILLIAMS, of Mississippi, the further consideration thereof was indefinitely postponed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Margaret Hall, late Margaret McKenzie;" a bill, entitled "An act to authorize the Governor of Illinois to obtain certain abstracts of land from certain public offices;" a bill, entitled "An act for the relief of Richard S. Hackley;" a bill, entitled "An act for the relief of Ambrose Vasse;" a bill, entitled "An act for the relief of Joshua Newsom, Peter Crook, and James Rabb;" a bill, entitled "An act for the relief of the legal representatives of Conrad Laub, deceased;" a bill, entitled "An act to provide for repairing the roof of the General Post Office, and to procure an engine for the protection of said building;" and, also, a bill, entitled "An act to authorize the President of the United States to borrow three millions of dollars, and for other purposes;" in which bills they request the concurrence of the Senate.

The eight bills last mentioned, were read, and severally passed to the second reading.

The bill, entitled "An act to authorize the President of the United States to borrow three millions of dollars, and for other purposes," and, also, the bill, entitled "An act for the relief of the legal representatives of Conrad Laub, deceased," were read the second time by unanimous consent, and respectively referred to the Committee on Finance.

The bill, entitled "An act for the relief of Margaret Hall, late Margaret McKenzie," and, also, a bill, entitled "An act to authorize the Governor of Illinois to obtain certain abstracts of land from certain public offices," were read the second time by unanimous consent, and respectively referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Ambrose Vasse," and, also, a bill, entitled "An act for the relief of Joshua Newsom, Peter Crook, and James Rabb," were read the second time by unanimous consent, and respectively referred to the Committee of Claims.

The bill, entitled "An act for the relief of Richard S. Hackley," was read the second time by unanimous consent, and referred to the Committee on Foreign Relations.

The bill, entitled "An act to provide for repairing the roof of the General Post Office, and to

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procure an engine for the protection of said building," was read the second time by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

The said committee reported the said bill without amendment, and it was taken up and considered as in Committee of the Whole, and no amendment having been made thereto, it was reported to the House, and passed to a third reading.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers;" and it was referred to the Committee on Foreign Relations.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for altering the times for holding the court of the United States for the western district of Pennsylvania;" and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to confine in force the act, entitled 'An act to provide for reports of the decisions of the Supreme Court,' approved the third of March, 1817," whereupon, resolved, that they concur therein.

PIRACY AND KIDNAPPING.

The Senate proceeded to the consideration of the amendments of the House of Representatives to the bill "to continue in force the act to protect the commerce of the United States, and punish the crime of piracy, and also to make further provision for punishing the crime of piracy."

The amendments (which were reported in the other House, by Mr. MERCER, from the committee on the slave trade,) are as follow:

And be it further enacted, That, if any citizen of the United States, being of a crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, shall land, from any such ship or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and, on conviction thereof, before the circuit court of the United States for the district wherein he may be brought or found, shall suffer death.

And be it further enacted, That, if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto, not held to service by the laws of either of the States or Territories of the United States, with intent to make

such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto, not held to service, as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over to any other ship or vessel, any negro or mulatto, not held to service, as aforesaid, with intent to make such negro or mulatto a slave, or shall land or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen or person shall be adjudged a pirate, and, on conviction thereof, before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.

After some discussion, rather on the form than the substance of these amendments, they were agreed to, without a division.

MONDAY, May 15.

Mr. PLEASANTS, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act to prevent the commanders and other officers in the naval service of the United States, from accepting of any present or emolument of any kind whatever, from any King, Prince, or foreign State, and for other purposes," reported the same, without amendment; and, on motion by Mr. PLEASANTS, it was laid on the table.

Mr. BROWN, from the Committee on Foreign Relations, to whom was referred the amendment of the House of Representatives to the bill, entitled "An act authorizing the settlement of the accounts between the United States and Richard O'Brien," late American Consul at Algiers, reported the same without amendment; whereupon, on his motion, resolved, that the Senate concur therein.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of Jacob Barker; the petition of Jacob Butler; the claim of John Despard; and also the claim of Moses Atwater; were discharged from the further consideration thereof, respectively.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, in New Hampshire;" and also the bill, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned;" with amendments, in which they request the concurrence of the Senate.

They have passed a bill, entitled "An act confirming certain claims to land in the State of Illinois;" and also a bill, entitled "An act to impose a new tonnage duty on French ships and vessels;" in which bills they request the concurrence of the Senate.

The said two bills were read, and severally passed to the second reading.

The bill, entitled "An act confirming certain claims to land in the State of Illinois," was read the second time by unanimous consent, and taken up and considered as in Committee of the Whole, and, on motion, it was laid on the table.

The Senate proceeded to consider the amendments of the House of Representatives to the bill,

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entitled "An act to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, New Hampshire;" and concurred therein.

The Senate proceeded to consider the amendments to the bill, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned;" and concurred therein.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to provide relief for sick and disabled seamen," reported the same without amendment; whereupon,

Resolved, That the Senate agree to the 1st, 3d, 4th, and 5th, of said amendments, and disagree to the 2d and 6th amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for carrying into effect the treaties lately concluded with the Chippewa and Kickapoo nations of Indians;" in which bill they request the concurrence of the Senate.

The said bill was read three several times, by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act providing for the better organization of the Treasury Department;" with amendments; in which amendments they request the concurrence of the Senate. They insist on their second amendment to the bill, entitled "An act to provide for sick and disabled seamen;" and recede from their sixth amendment to the said bill.

On motion by Mr. PLEASANTS, the further consideration of the bill last mentioned, together with the amendment thereto, were postponed until the next session of Congress.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act providing for the better organization of the Treasury Department;" whereupon,

Resolved, That they concur therein.

On motion by Mr. EATON, John B. Timberlake, and also, James Brown, had leave to withdraw their petitions and papers, respectively.

On motion by Mr. JOHNSON, of Louisiana, Hyacinthe Bernard had leave to withdraw his petition.

On motion by Mr. WILLIAMS, of Mississippi, the Committee on Public Lands were discharged from the further consideration of all subjects referred to them during the present session, upon which they have not reported.

On motion by Mr. BROWN, the Committee on Foreign Relations were discharged from the further consideration of all subjects referred to them during the present session, upon which they have not reported.

Mr. LOWRIE moved the adoption of the following resolution, which, after some explanation by the mover, and some discussion, was agreed to:

Resolved, That the President of the United States cause to be laid before the Senate, at their next session, a statement of the number of militia from each

State, that were called into the public service, by order of the President of the United States, during the late war; of the number furnished by each State, the number recognised by the United States from each State, and the period of their service; of the amount of fines imposed for neglect of duty, distinguishing the number of persons on whom fines have been imposed, the sums collected by the respective marshals, the sums paid by them respectively into the Treasury of the United States, the expenses of the courts martial in the several States, and the number and amount of fines so imposed that have been remitted within the States respectively.

The bill for the relief of Margaret Hall, late McKenzie, was taken up, and, on motion, postponed indefinitely.

The following bills from the other House, having been reported by the committees to which they had been heretofore severally referred, were successively taken up in Committee of the Whole, and considered and passed, some of them with unimportant amendments: The bill to revive and continue for one year the invalid pension act of March 3, 1819; the bill to impose additional tonnage duty on French ships and vessels; the bill for the relief of Joshua Newsom, Peter Brook, and James Rabb; the bill for the relief of Conrad Laub; the bill for the relief of Ambrose Vasse; the bill to authorize the Governor of Illinois to obtain certain abstracts of land from certain land districts; the bill supplementary to the civil appropriation act of the present session; the bill for the relief of Richard S. Hackley; the bill to amend the act to authorize the employment of an additional naval force; the bill designating the ports at which only foreign armed ships shall be permitted to enter; the bill to increase the number of clerks in the War Department; the bill for the relief of persons holding confirmed unlocated claims for land in Illinois; the bill to amend the act making certain reservations of public lands for naval purposes; the bill providing certain repairs and a fire engine for the General Post Office building; the bill authorizing letters patent to Henry Burdin.

Mr. SANFORD, from the Committee on Finance, to which had been referred the bill from the other House, authorizing the President of the United States to accept a loan of three millions, reported the same with amendments, proposing, in substance, to borrow the whole five millions, instead of, as the bill provided, borrowing three millions, and making up the remaining two from the Sinking Fund, and also striking out the provision authorizing a subscription of certain of the Mississippi stock to the loan.

These amendments Mr. SANFORD explained and supported, and they were agreed to by the Senate.

They were subsequently returned from the other House disagreed to in part, with a request for a conference. The conference was agreed to by the Senate, after insisting on their amendments, and Messrs. SANFORD, MACON, and EATON, appointed managers. They soon after reported the agreement recommended by the committee of confer-

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ence, which recommendation was adopted by the Senate; and the proceeding resulted in reducing the amount of the loan to three millions only, leaving the Sinking Fund to be untouched, (on the ground that Congress would be in session early enough next session to provide the remaining two millions,) and expunging the section which authorizes Mississippi stock (now due and payable) to be subscribed to the loan.

THE SLAVE TRADE.

The following resolution, received from the House of Representatives, was taken up for consideration:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to consult and negotiate with all the Governments, where Ministers of the United States are, or shall be accredited, on the means of effecting an entire and immediate abolition of the African slave trade.

Mr. SMITH moved that the further consideration of the resolution be postponed to the next session of Congress. It was impossible, he thought, that a proposition embracing considerations of so much importance, could be properly examined and discussed at this late hour of the session; when, too, other objects of immediate interest to the nation remained to be acted on.

Mr. BURRILL hoped the resolution would not be postponed. The principle which it contained had, in part, been often sanctioned by the Senate; in the Treaty of Ghent, such a stipulation had been entered into with Great Britain; there was no other method, in fact, by which the slave trade could be put an end to. This resolution comported with the general opinion; all men united in detestation of the traffic, and Mr. B. said he should be sorry if the Senate should show any hesitation or backwardness on the subject, after the House of Representatives had agreed to this measure, and recommended it to the Senate; it would seem as if the Senate repented of what it had before done. Besides, the resolution could do no harm, because, whatever the President should do in pursuance of it, must be submitted to the revision of this House. The immediate representatives of the people had requested this branch of the treaty-making power to enter into this measure, and he thought it would not be proper in the Senate to reject it.

Mr. SMITH replied that he did not conceive it would be treating the House of Representatives with any disrespect to reject this resolution; each House was left free to exercise its unbiased judgment on every public measure; and, for one, he would not relinquish his right to do so. He was for leaving this matter to the proper authority, and if the President should conclude a treaty on the subject, the Senate could then act on it. It was true, as had been said, that the Commissioners at Ghent did enter into a stipulation with Great Britain, on the subject of the slave trade; but they had no instructions for what they did; he had taken some pains to ascertain the fact, and Mr. S. said it was an assumption of power by the Commissioners—they had no authority on the subject.

This was a question which the House of Representatives ought, perhaps, to have left to the Constitutional authority—to the treaty-making branch of the Government. It is as much as to say to the President, you don't do your duty, and we now admonish you to perform it, &c.

Mr. KING, of New York, deemed it important that the opinion of the Congress should be given to the President on this subject, in which all concur. He thought the resolution highly creditable to the House of Representatives; he felt gratified that it had originated in that House, and that it had originated with an individual from a particular part of the Union, (Mr. MERCER, of Virginia.) This view of the slave trade had become completely established; this nation, and all other nations, had become of one opinion on the subject—that it ought to be put down. Although Mr. K. was persuaded that the President of the United States fully concurred in this sentiment, yet this resolution would be with him an additional motive to prosecute the entire extinguishment of this detestable traffic. It would be strange, indeed, after what had been done by this country to abolish this trade, that we should now halt or hesitate; and yet more strange that we should look like retiring. It was to the honor of this nation that we had commenced this glorious work; that we had preceded the English Parliament in the attempt, and set the example to the other nations of the world. It would be honorable to proceed, and ask the President to pursue an object so creditable to our country. Mr. L. hoped the resolution would not be postponed, but would be adopted.

Mr. SMITH had another objection to this proposition, which he had not disclosed. It was a desire to put a stop to this mode of doing things by resolution. Every thing was to be effected nowadays, by resolution—societies and town-meetings send resolutions to the Legislatures, the Legislatures send them to Congress—and we have all seen and felt the effects at the present session of this fashion of instructing the proper authorities by resolution. Mr. S. did not like this doctrine of resolutions. If the President of the United States had neglected his Constitutional duty, call him to account for it; but do not undertake to instruct him in a matter confided to him by the Constitution. Mr. S. was far from being disposed to check the great work of putting down the slave trade, but there was little hope of effecting it. Great Britain had purchased the Spanish right and the Portuguese right to carry on this trade; and this is the glorious work we are called on to abolish. Whatever England might say—however humanely she might talk in Parliament, it was useless to negotiate until she was tired of the traffic. Whenever she gives it up in earnest, then there will be some chance of putting a stop to it.

Mr. WALKER, of Alabama, should vote for the postponement, merely because he thought the resolution a useless one. The President possessed the power already to negotiate on the subject, and it was unnecessary to give him any advice or instruction on it.

The question on postponing the resolution was

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decided in the negative; 10 rising in favor, and 15 against it.

The question being then stated on reading the resolution a third time to-day, it was objected to, which, by the rules of the Senate, precluded the third reading; but

Mr. LOWRIE moved to suspend that rule of the Senate which forbids two readings of any bill or joint resolution on the same day, unless by unanimous consent.

Considerable debate took place on this motion, in which the suspension of the rule was advocated by Messrs. LOWRIE and BURRILL, and was opposed

by Messrs. SMITH, MACON, and KING of Alabama.

The motion to suspend the rule was finally lost, by the casting vote of the President, the division showing 12 for and 12 against it; and the resolution fell of course.

The Senate having finished the business before them, or rather so much thereof as had been reported by the joint committee as necessary to be acted on; and, having been informed by the committee appointed to wait on the President, that he had no further communication to make, the Senate adjourned to the second Monday in November next.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE SIXTEENTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, MONDAY, DECEMBER 6, 1819.

MONDAY, December 6, 1819.

This being the day appointed by the Constitution of the United States for the meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

From New Hampshire—Joseph Buffum, jr., Josiah Butler, Clifton Clagett, Arthur Livermore, William Plumer, jr., and Nathaniel Upham.

From Massachusetts—Benjamin Adams, Samuel C. Allen, Joshua Cushman, Edward Dowse, Walter Folger, jun., Mark L. Hill, John Holmes, Jonas Kendall, Martin Kinsley, Samuel Lathrop, Enoch Lincoln, Jonathan Mason, Marcus Morton, Jeremiah Nelson, James Parker, Gabriel Sampson, Henry Shaw, Nathaniel Silsbee, and Ezekiel Whitman.

From Rhode Island—Samuel Eddy and Nathaniel Hazard.

From Connecticut—Henry W. Edwards, Samuel A. Foot, Jonathan O. Moseley, Elisha Phelps, John Russ, James Stevens, and Gideon Tomlinson.

From Vermont—Samuel C. Crafts, Orsamus C. Merrill, Charles Rich, Mark Richards, and William Strong.

From New York—Nathaniel Allen, Caleb Baker, Walter Case, Robert Clark, Jacob H. Dewitt, John D. Dickinson, John Fay, William D. Ford, Ezra C. Gross, Aaron Hackley, jun., George Hall, Joseph S. Lyman, Henry Meigs, Robert Monell, Harmanus Peek, Nathaniel Pitcher, Jonathan Richmond, Henry R. Storrs, Randall A. Street, James Strong, John W. Taylor, Caleb Tompkins, Albert H. Tracy, Solomon Van Rensselaer, Peter H. Wendover, and Silas Wood.

From New Jersey—Ephraim Bateman, Joseph Bloomfield, John Linn, Bernard Smith, and Henry Southard.

From Pennsylvania—Henry Baldwin, William Darlington, Samuel Edwards, Thomas Forrest, David Fullerton, Samuel Gross, Joseph Hemphill, Jacob Hishman, Joseph Heister, Jacob Hostetter, William P. Maclay, David Marchand, Robert Moore, Samuel Moore, John Murray, Thomas Patterson, Thomas J. Rogers, John Sergeant, Christian Tarr, and James Wallace.

From Delaware—Louis McLane.

From Maryland—Stevenson Archer, Thomas Culbreth, Joseph Kent, Peter Little, Raphael Neale, Samuel Ringgold, Samuel Smith, and Henry R. Warfield

From Virginia—Mark Alexander, William Lee Ball, Philip P. Barbour, William A. Burwell, John Floyd, Robert S. Garnett, James Jones, William McCoy, Charles F. Mercer, Hugh Nelson, Thomas Newton, Severn E. Parker, James Pindall, James Pleasants, Alexander Smyth, George F. Strother, George Tucker, John Tyler, Thomas Van Swearingen, and Jared Williams.

From North Carolina—Hutchins G. Burton, John Culpeper, Charles Fisher, Thomas H. Hall, James S. Smith, Felix Walker, and Lewis Williams.

From South Carolina—Joseph Brevard, John McCreary, James Overstreet, Charles Pinckney, Eldred Simkins, and Sterling Tucker.

From Georgia—Joel Abbot, Thomas W. Cobb, Joel Crawford, and Robert W. Reid.

From Kentucky—Richard C. Anderson, jun., William Brown, Henry Clay, Alney McLean, Thomas Metcalfe, Tunstall Quarles, George Robertson, David Trimble, and David Walker.

From Tennessee—Robert Allen, Henry H. Bryan, Newton Cannon, John Cocke, Francis Jones, and John Rhea.

From Ohio—Philemon Beecher, Henry Brush, John W. Campbell, Samuel Herrick, Thomas R. Ross, and John Sloan.

From Indiana—William Hendricks.

From Mississippi—Christopher Rankin.

From Illinois—Daniel P. Cook.

The House then proceeded to the choice of a Speaker, by ballot; and the ballots having been counted by Mr. PLEASANTS and Mr. MOSELEY, it appeared that the whole number of votes given in was 155, of which there were,

For HENRY CLAY, of Kentucky	147
Scattering votes	8

So that Mr. CLAY was duly elected Speaker of the House of Representatives. He was accordingly conducted to the Chair by Mr. PLEASANTS and Mr. MOSELEY, and the oath of office was administered to him by Mr. NEWTON.

When Mr. CLAY, the Speaker elect, addressed the House as follows:

GENTLEMEN: Again called, by your favorable opinion, to the distinguished station to which I have been frequently assigned by that of your predecessors, I owe to you the expression of my most respectful thanks;

and I pray you to believe that I feel inexpressible gratitude, as well for the honor itself, as for the flattering manner in which it has been conferred. In our extensive Confederacy, gentlemen, embracing such various and important relations, it must necessarily happen that each successive session of the House of Representatives will bring with it subjects of the greatest moment. During that which we are now about to open, we have every reason to anticipate that the matters which we shall be required to consider, and to decide, possess the highest degree of interest. To give effect to our deliberations; to enable us to command the respect of those who may witness or be affected by them; and to entitle us to the affection and confidence of our constituents, the maintenance of order and decorum is absolutely necessary. Being quite sure that your own comfort, your sense of propriety, and the just estimate which you must make of the dignity which belongs to this House, will induce you to render to the Chair your cordial co-operation; I proceed to discharge its duties with the sincere assurance of employing my best exertions to merit the choice which you have been pleased to make. And it will be to me the greatest happiness, if I should be so fortunate as to satisfy, in this respect, your expectations.

The members were then called over by States, and severally sworn to support the Constitution of the United States.

The House proceeded to the choice of a Clerk, and, on motion, THOMAS DOUGHERTY was appointed, *nem. con.*

In like manner, THOMAS DUNN was appointed Sergeant-at-Arms, THOMAS CLAXTON Doorkeeper and BENJAMIN BURCH Assistant Doorkeeper to the House.

JOHN SCOTT appeared, produced his credentials, was qualified, and took his seat as the delegate from the Territory of Missouri.

The Rules and Orders observed by the last House for its government, were temporarily established for the government of this House.

The usual rules respecting newspapers, &c., were adopted.

MR. ANDERSON, of Kentucky, presented to the House the constitution formed by the people of the Territory of Alabama for their government; which was referred to a select committee, and ordered to be printed.

And, after appointing a committee on their part to join the committee appointed by the Senate to wait on the President, the House adjourned till to-morrow.

TUESDAY, December 7.

Several other members, to wit: from Pennsylvania, GEORGE DENNISON; from Virginia, BALLARD SMITH, and from Georgia, WILLIAM TERRILL, appeared, produced their credentials, were qualified, and took their seats.

MR. NELSON, of Virginia, from the joint committee appointed to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled and ready to receive any communication he may be pleased to make to them, reported that the committee had performed

that service, and that the President answered, that he would make a communication to the two Houses of Congress to-day, at 12 o'clock.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of two Chaplains to Congress for the present session—one by each House, who shall interchange weekly; in which resolution they ask the concurrence of this House.

The resolution was read, and concurred in.

The following proposition of amendment to the standing rules and orders of the House was submitted by MR. LITTLE, which was read, and ordered to lie on the table, viz:

That the 51st rule of this House be so amended, as that a distinct Committee of Manufactures be appointed, as an additional standing committee.

A communication was then received from the President of the United States. [For which, see Senate proceedings, *ante*. page 12.]

The said Message was referred to a Committee of the Whole on the state of the Union; and 5,000 copies thereof, and the accompanying documents, were ordered to be printed for the use of the members of this House.

WEDNESDAY, December 8.

Several other members, to wit: from Virginia, JAS. JOHNSON and JOHN RANDOLPH; from North Carolina, WILLIAM DAVIDSON, CHARLES HOOKS, JESSE SLOCUMB, and THOMAS SETTLE; and from South Carolina, WILLIAM LOWNDES, appeared, produced their credentials, were qualified, and took their seats.

MR. HOLMES presented a petition of the convention lately assembled within and for that portion of the State of Massachusetts called "the District of Maine," signed by William King, president of the said convention, praying that the assent of Congress may be given, before the last day of January next, to the admission of the said district into the Union as a separate and independent State, and on an equal footing with the original States, by the style and title of the "State of Maine," which was referred to a select committee; and Messrs. HOLMES, HILL, PHELPS, ALLEN, of New York, and HOOKS, were appointed the said committee.

On motion of MR. SCOTT, the several memorials of the Legislature of the Territory of Missouri, and of the inhabitants of the said Territory, presented to the House at the last session of Congress, relative to the admission of that Territory into the Union as a separate and independent State, were referred to a select committee; and Messrs. SCOTT, ROBERTSON, TERRIL, STROTHER, and DEWITT, were appointed the said committee.

MR. STRONG, of New York, gave notice that on to-morrow he should ask leave to introduce a bill to prohibit the further extension of slavery within the Territories of the United States.

MR. SHAW, of Massachusetts, introduced a joint resolution, authorizing the transmission, free of postage, of any documents which, during the present and any future session, may be transmitted to

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Standing Committees—Reference of the President's Message.

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either House of Congress by the President, or any of the Heads of Departments; which resolution was twice read, ordered to be engrossed for a third reading, and subsequently read a third time, and passed.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee for the Library of Congress, as also a joint resolution "declaring the admission of the State of Alabama into the Union;" in which resolutions they ask the concurrence of this House.

The resolution from the Senate for the appointment of a joint Library committee was read and concurred in by the House; and Messrs. PINCKNEY, WOOD, and MEIGS, were appointed of the said committee on the part of this House.

The House then proceeded to ballot for a Chaplain to Congress on the part of this House. On the first ballot, the votes were: For Rev. Burgess Allison 75, Rev. Mr. Smith 61, and Rev. Mr. Post 18.

No choice having been effected by this ballot, Mr. Post's name was withdrawn from nomination, and a second ballot took place, of which the following is the result: For Mr. Allison 81, and for Mr. Smith 78.

So the Rev. Mr. ALLISON was chosen Chaplain to Congress on the part of the House of Representatives.

STANDING COMMITTEES.

On motion of Mr. RHEA, the following standing committees were appointed, viz:

Committee of Ways and Means—Mr. Smith, of Maryland, Mr. Burwell, Mr. Trimble, Mr. Crawford, Mr. Moseley, Mr. Shaw, and Mr. Tyler.

Of Elections—Mr. Taylor, Mr. Whitman, Mr. Merrill, Mr. Tarr, Mr. Brown, Mr. Tucker, of South Carolina, and Mr. Sloan.

Of Commerce—Mr. Newton, Mr. McLane, of Delaware, Mr. Tomlinson, Mr. Mason, Mr. Allen, of Tennessee, Mr. Hill, and Mr. Folger.

Of Claims—Mr. Williams, of North Carolina, Mr. Rich, Mr. McCoy, Mr. Samuel Moore, Mr. Culbreth, Mr. Edwards, of Connecticut, and Mr. Metcalfe.

For the District of Columbia—Mr. Kent, Mr. Cobb, Mr. Mercer, Mr. Neale, Mr. Swearingen, Mr. Fullerton, and Mr. Smith, of New Jersey.

On the Public Lands—Mr. Anderson, Mr. Hendricks, Mr. Jones, of Tennessee, Mr. Nelson, of Massachusetts, Mr. Cook, Mr. Ballard Smith, and Mr. Stevens.

On Private Land Claims—Mr. Campbell, Mr. Pindall, Mr. Rankin, Mr. Robert Moore, Mr. Bryan, Mr. Tracy, and Mr. Eddy.

On the Post Office and Post Roads—Mr. Livermore, Mr. Sampson, Mr. Russ, Mr. Culpeper, Mr. Tompkins, Mr. Walker, of Kentucky, and Mr. Burton.

Of Public Expenditures—Mr. Simkins, Mr. Slocumb, Mr. Heister, Mr. Hazard, Mr. Dowse, Mr. Plumer, and Mr. Ford.

On Pensions and Revolutionary Claims—Mr. Rhea, Mr. Maclay, Mr. Settle, Mr. Allen, of Massachusetts.

setts, Mr. Linn, Mr. Street, and Mr. Jones, of Virginia.

On the Judiciary—Mr. Sergeant, Mr. Beecher, Mr. Robertson, Mr. Reid, Mr. Brevard, Mr. Lincoln, and Mr. Tucker, of Virginia.

Of Accounts—Mr. Smith, of North Carolina, Mr. Bateman, and Mr. Upham.

Of Revisal and Unfinished Business—Mr. Morton, Mr. Butler, of New Hampshire, and Mr. Ball.

On the Expenditures in the Department of State—Mr. Holmes, Mr. Peck, and Mr. Hibshman.

On the Expenditures in the Department of the Treasury—Mr. Trimble, Mr. Hall, of New York, and Mr. Gross, of Pennsylvania.

On the Expenditures in the Department of War—Mr. Brush, Mr. Overstreet, and Mr. Gross, of New York.

On the Expenditures in the Department of the Navy—Mr. Archer, Mr. Fay, and Mr. Buffum.

On the Expenditures in the Post Office—Mr. Livermore, Mr. Hackley, and Mr. Monell.

On the Expenditures on the Public Buildings—Mr. Meigs, Mr. Strong, of Vermont, and Mr. Hostetter.

PRESIDENT'S MESSAGE.

On motion of Mr. TAYLOR, of New York, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. NELSON, of Virginia being called to the chair.

The President's Message of yesterday being taken into consideration—

Mr. TAYLOR offered for the consideration of the Committee the following resolutions:

1. *Resolved*, That so much of the Message of the President of the United States as relates to the subject of carrying into effect the late treaty between the United States and Spain; the condition of the independent Governments of South America; the admission into our ports of foreign ships of war and privateers, and all other subjects of foreign affairs, be referred to a select committee.

2. That so much of the Message as relates to fortifications, and other military subjects, be referred to a select committee.

3. That so much as relates to the Navy, naval depots, and the protection of our commerce upon the ocean, be referred to a select committee.

4. That so much of the Message as relates to manufactures, and to our commercial intercourse with British colonial ports, be referred to the Committee of Commerce and Manufactures.

5. That so much of the Message as relates to the suppression of the slave trade, be referred to a select committee.

6. That so much of the Message as relates to the subject of revenue, be referred to the Committee of Ways and Means.

These resolutions were separately agreed to without debate, excepting some conversation respecting that which relates to the Committee of Commerce and Manufactures, in consequence of a motion yesterday made by Mr. LITTLE, of Maryland, and now pending, to distribute the subjects of commerce and manufactures to two distinct committees. The resolutions, however, were agreed to in the above shape; and, being re-

ported to the House, were there also severally agreed to.

Mr. Lowndes, Mr. Holmes, Mr. Nelson, of Virginia, Mr. Dickinson, Mr. Randolph, Mr. Barbour, and Mr. Archer, were appointed a committee pursuant to the first resolution.

Mr. Alexander Smyth, Mr. Van Rensselaer, Mr. Brush, Mr. Cocke, Mr. Ringgold, Mr. Cushman, and Mr. Parker, of Virginia, were appointed a committee pursuant to the second resolution.

Mr. Pleasants, Mr. Silsbee, Mr. Johnson, Mr. Wendover, Mr. Warfield, Mr. Hall, of North Carolina, and Mr. Dennison, were appointed a committee pursuant to the third resolution.

Mr. Hemphill, Mr. Mercer, Mr. Strong, of New York, Mr. Edwards, of Pennsylvania, Mr. Rogers, Mr. Lathrop, and Mr. Abbot, were appointed a committee pursuant to the fifth resolution.

ADDITIONAL COMMITTEES.

Mr. TAYLOR again rose, and the House having, he said, agreed to refer the several subjects adverted to in the President's Message, he held in his hand some other resolutions on the subject of great national concerns which were not referred to in the Message. Such propositions it had appeared at the last session proper to present directly to the House, and not to offer them in Committee of the Whole whilst the President's Message was under consideration. He should, therefore, now move them. The first of these resolves, he said, related to the organization and discipline of the militia. It would be recollected on this subject there was made, at the last session, by a highly respectable committee an elaborate report, which had not been acted on for the want of time. For the purpose of reviving the consideration of this matter at an early period of the session, and assigning to it a select committee, he offered the first of the following resolves. The second of them related to the improvement of the Indian tribes in the arts of civilized life. It would be recollected, Mr. T. said, that at the last session of Congress an appropriation had been made of ten thousand dollars per annum, towards accomplishing this important object. It was desirable to inquire how this money had been expended, and also whether any thing more could be done towards this object by Congress. The third of the resolves related to the subject of roads and canals. An appropriation of very large amount had been made at the last session for the completion of one very important and truly national road. It was worth inquiry how that money had been expended, and would be a proper subject of consideration whether there were not other objects, of the same character and of equal interest, that well deserved the attention of Congress. The subject of the public buildings, referred to in the fourth resolve, would necessarily require examination by a committee, &c. The last of these resolves related to the subject of revolutionary pensions, which had excited great interest in the country, and certainly deserved, from the amount of expenditure on this object, the early attention of this House. With this brief preface, Mr. T. moved the following resolves:

1. *Resolved*, That the subject of organizing and disciplining the militia, be referred to a select committee.
2. That the subject of improving the Indian tribes in the arts of civilized life, be referred to a select committee.
3. That the subject of roads and canals be referred to a select committee.
4. That the subject of the public buildings be referred to a select committee.
5. That the subject of revolutionary pensions be referred to a select committee.
6. That the said select committees have leave to report by bill or otherwise.

The question was taken on these resolutions, without debate, and decided in the affirmative without opposition.

Mr. Cannon, Mr. Quarles, Mr. Herrick, Mr. Floyd, Mr. Strother, Mr. Richmond, and Mr. Kendall, were appointed a committee upon the subject of the Militia.

Mr. Southard, Mr. Wallace, Mr. Walker, of North Carolina, Mr. Williams, of Virginia, Mr. Kinsley, Mr. Richards, and Mr. Baker, were appointed a committee upon the subject of Indian Affairs.

Mr. Storrs, Mr. Crafts, Mr. Pindall, Mr. Marchand, Mr. Hendricks, Mr. Davidson, and Mr. Street, were appointed a committee upon the subject of Roads and Canals.

Mr. Cobb, Mr. Lyman, Mr. Garnett, Mr. Murray, Mr. Fisher, Mr. Case, and Mr. McCreary, were appointed a committee upon the subject of the Public Buildings.

Mr. Bloomfield, Mr. Clagett, Mr. Pitcher, Mr. Alexander, Mr. Adams, Mr. Clark, and Mr. Patterson, were appointed a committee upon the subject of Revolutionary Pensions.

AMENDMENT TO THE RULES.

The consideration of the resolve for amending the rules of the House, so as to direct the appointment of a Committee of Commerce, and another Committee, of Manufactures, in lieu of the Committee of Commerce and Manufactures heretofore annually appointed, was then called for.

Mr. NEWTON, of Virginia, declared his opposition to this motion. The two subjects had heretofore, in his opinion, been properly blended, and he should like, he said, to hear from the gentleman from Maryland some strong reason why they should now be separated.

Mr. LITTLE, of Maryland, said he did not know what the gentleman from Virginia would consider *strong* reasons, but it was a sufficient reason for himself, that the subject of manufactures was one of leading importance, and which engrossed much of the attention of the country; that it was not necessarily connected with commerce, their interests being, indeed, frequently at variance; and that the subject was certainly of sufficient magnitude to occupy, of itself, the undivided attention of one committee.

Mr. NEWTON said, in opposing this proposition, he was actuated by no personal views, but solely and purely by considerations of a national character; because, in short, he thought these two inter-

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ests would be best promoted by being both before the same committee. The subjects of commerce and manufactures, he said, were intimately connected. A memorial of manufacturers is referred, for example, to the Committee of Commerce and Manufactures, to inquire how the interest of their manufactures can be best promoted. Taking the subject into consideration, it appears that some imported fabric comes into successful competition with it; and the inquiry then presents itself, what duties it is necessary to impose, to give the advantage to the domestic fabric. Thus the inquiry became necessarily commercial in its termination, though it began in manufactures. A committee, to decide correctly on questions relating to either of these interests, ought to consider both. Again: the Committee of Ways and Means and the Committee of Commerce and Manufactures sometimes came in collision, from the connexion and interference of their respective duties, one with the other. But if two committees be now made out of one, the conflict of jurisdiction would be extended to a third party, and this without any apparent advantage to either party. One reason only had been offered for the division of this subject between two committees—which had been frequently heretofore attempted in vain. That reason was, that the subject of manufactures was of sufficient importance to employ of itself one committee. On this subject, Mr. N. said, it ought to be remembered that every thing that had been done for the benefit of manufactures, had been done by the connexion of the consideration of them with that of commercial subjects before one and the same committee. Mr. N. here mentioned several manufactures which, he said, had grown up under the protection of the Committee of Commerce and Manufactures. Had the manufacturers, he asked, come forward to this House, through any of their Representatives, and asked for this division? He pronounced that they had not, and that they would not. He held in his hand the letters of a very intelligent committee of the citizens of Philadelphia, on the subject of manufactures; and, in obtaining information on the subject, and collecting the strongest arguments in favor of encouraging manufactures, they had more than once referred for them to the former reports of the committee, which, for the benefit of manufactures, it was proposed to substitute by two committees. As far as related to commerce, Mr. N. said, it was his decided opinion that the less Congress legislated on it the better. *Too much* legislation was the error of all legislative bodies. Commerce, he said, is a sensitive plant: touch it, and it shrinks. Leave it unfettered, and it would prosper, by seeking and finding its own level. From his experience as a member of the Committee of Commerce and Manufactures, for many years, he believed, whoever might be selected to compose it, they would endeavor faithfully to discharge their duty to both the interests confided to them.

Mr. SMITH, of North Carolina, made some remarks in reply to Mr. NEWTON. He dwelt on the importance both of commerce and manufactures, and the advantage of dividing them between two

committees. Any single committee which might be appointed would, he had no doubt, do all that it could; but it was too obvious to be denied, that the separation of two great subjects, and assigning them to different committees, would give to the consideration of both more precision and maturity, as well as greater despatch.

The question on the proposed amendment to the rules was then taken, and decided in the affirmative: For the motion 88, against it 60.

Mr. Baldwin, Mr. Meigs, Mr. Little, Mr. McLean, of Kentucky, Mr. Forrest, Mr. Parker, of Massachusetts, and Mr. Ross, were appointed the said committee.

STATE OF ALABAMA.

The resolution from the Senate, declaring the admission of the State of Alabama into the Union on an equal footing with the original States, was twice read. With considerable opposition as to the day on which it should be read a third time, to-day was determined on, and it was read a third time, finally passed without a division, and returned to the Senate. [The yeas and nays were required on its passage, but the requisition was not sustained by one-fifth of the House, the necessary number.]

THURSDAY, December 9.

Two other members, to wit: from Pennsylvania, ANDREW BODEN, and from North Carolina, WELDON N. EDWARDS, appeared, produced their credentials, were qualified, and took their seats.

Mr. RICH presented a petition of Rollin C. Mallary, praying to be admitted to a seat in this House as one of the Representatives of the State of Vermont, in the room of Orsamus C. Merrill, whom he alleges to have been illegally returned.—Referred to the Committee of Elections.

The SPEAKER presented a memorial and petition of Matthew Lyon, formerly a Representative in Congress from the State of Vermont, detailing the circumstances attending his prosecution for sedition in the year 1798, and complaining of the unconstitutionality of the act under which he was prosecuted; of illegality in the proceedings of the court before whom he was tried and convicted; of the fine he was compelled to pay, and the imprisonment he suffered; and also setting forth the iniquity of the motives which prompted the said prosecution, which he declares was solely occasioned by the honest expression of his political sentiments; and praying that the amount of the fine, with the interest thereon, may be repaid to him, together with such sum as Congress may think a just and proper indemnity for his being dragged from his home, his family, friends, and business, and thrown into a dark and loathsome dungeon, where he suffered for four months every species of hardship, cruelty, and indignity, which could be devised by the unrelenting and persecuting spirit of those by whom he was persecuted. Referred to the Committee on the Judiciary.

Mr. MEIGS presented a memorial of the institution in New York for "instructing persons deaf

and dumb," praying for a donation in land for the support of the said institution; which was referred to a select committee, and Messrs. MEIGS, DICKINSON, and FOOT, were appointed the said committee.

The SPEAKER presented a petition of sundry inhabitants of the State of Pennsylvania, praying that the tariff of duties imposed on foreign manufactured articles imported into the United States may be so revised as to revive the drooping manufactures, and afford effectual protection to the national industry.—Referred to the Committee of Manufactures.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act authorizing the transmission of certain documents by mail free of postage," in which they ask the concurrence of this House.

The bill was read twice, and ordered to be read a third time to-day. It was accordingly read the third time, and passed.

Mr. SCOTT, from the committee appointed yesterday upon the subject, reported a bill to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read twice and committed to the Committee of the Whole to-morrow.

On motion of Mr. CAMPBELL, a committee was appointed to report a bill for taking the fourth census or enumeration of the inhabitants of the United States; and Mr. CAMPBELL, Mr. NELSON, of Virginia, and Mr. HILL, were appointed the said committee.

On motion of Mr. CANNON, a committee was appointed to inquire into the expediency of paying the soldiers and officers of the volunteers and militia for horses and other property lost whilst in the service of the United States, on the Seminole campaign, in all cases where such loss was sustained in consequence of a failure on the part of the General Government to furnish the necessary forage, and without any fault or neglect on the part of the owner; and Mr. CANNON, Mr. JONES, of Tennessee, Mr. McLEAN, of Kentucky, Mr. REED, Mr. DAVIDSON, Mr. TRACY, and Mr. VAN RENSSELAER, were appointed the said committee.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire into the expediency of establishing additional land offices in the State of Illinois for the sale of the public lands. And the same committee were instructed to inquire into the expediency of extending the time for completing the payments for lands heretofore purchased from the Government within said State.

Mr. STRONG, of New York, rose, and intimated to the House, that, not desiring to embarrass the question which would probably arise on the Missouri bill now before the House, he should at present waive the motion which he yesterday announced his intention to make, for leave to introduce a bill to prohibit the further extension of slavery within the territories of the United States.

Mr. PINCKNEY, of South Carolina, gave notice that on this day week he should ask leave to in-

troduce a bill to be entitled "An act to establish a circulating medium for the United States, and to sustain the credit and utility thereof." He had understood, he said, that, on the last day of the last session of Congress, a resolution had passed which had, in some degree, referred this subject to the Secretary of the Treasury. He had, therefore, determined to postpone for a week this motion, to give to the House an opportunity to receive the report of the Secretary of the Treasury on the subject.

FRIDAY, December 10.

Another member, to wit, from Massachusetts, TIMOTHY FULLER, appeared, produced his credentials, was qualified, and took his seat.

WILLIAM W. WOODBRIDGE also appeared, produced his credentials, was qualified, and took his seat, as the delegate from the Territory of Michigan.

Mr. LOWNDES presented a petition of the children and representatives of the late General Baron de Kalb, who was killed in the service of the United States in the Revolutionary war, praying for the pay and commutation of pay due for the services of the deceased.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. SERGEANT presented a memorial of the Chamber of Commerce of the city of Philadelphia, praying that an uniform system of bankruptcy may be established.—Referred to the Committee on the Judiciary.

Mr. EDWARDS, of Connecticut, presented a petition of sundry inhabitants of that State, respectively praying that the situation of the manufacturing interest of the country may be taken into the serious consideration of Congress, and that the tariff of duties imposed on the importation of foreign manufactures may be so amended as to afford effectual security and protection to every branch of the national industry.

Mr. EDDY also presented a petition of a committee of ladies, acting for, and in behalf of, the straw manufacturers, residing in and near Providence, in the State of Rhode Island, praying that the duties on foreign manufactures of straw, imported into the United States, may be so augmented as to afford protection and encouragement to similar articles of domestic manufacture.—Referred to the Committee of Manufactures.

Mr. ALLEN, of New York, presented a petition of James Guyon, jr., praying to be admitted to a seat in this House, as one of the Representatives for the State of New York, in the place of Ebenezer Sage, who, as he alleges, has been illegally returned.—Referred to the Committee on Elections.

The SPEAKER laid before the House a schedule of fees of office, proper to be allowed and taxed for the officers of the district courts of the United States for the districts of New Jersey, Virginia, South Carolina, Georgia, and Indiana; prepared and transmitted by the judges of those districts, respectively, in obedience to the resolution of this House of the 22d of February last; which were referred to the Committee on the Judiciary.

The SPEAKER also laid before the House a letter

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Revolutionary Officers.

H. OF R.

from the Secretary of State of the State of New York, enclosing a certificate of the election of members of this House for that State, in the sixteenth Congress of the United States; which was referred to the Committee of Elections.

On motion of Mr. FOLGER,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of granting to William Coffin and others, owners of the brig Bonif, a drawback of the duties on a quantity of whale oil imported from Patagonia and Brazil in said brig in the month of June, 1817, and which has since been exported out of the United States; and that such papers as are on file in the Clerk's office relative to said subject, be taken therefrom, and referred to the same committee.

On motion of Mr. PINDALL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the prosecution of suits in the nature of *petitions of right* and *informations of intrusion*, in cases in which the Government of the United States is concerned.

REVOLUTIONARY OFFICERS.

Mr. SERGEANT presented a memorial of William Jackson, solicitor on behalf of the surviving officers of the Revolutionary army, praying for an equitable settlement of the half pay for life, granted by Congress during the war of independence, to the officers of the army, and which he states to have been acknowledged and sanctioned by the reports of several committees of Congress, under the present form of Government of the United States; which petition was referred to a select committee; and Mr. SERGEANT, Mr. PINCKNEY, Mr. HEMPHILL, Mr. NELSON, of Virginia, and Mr. SETTLE, were appointed the said committee.

The memorial is as follows:

To the Honorable the Senate, and the Honorable the House of Representatives of the United States, in Congress assembled:

The memorial of the subscriber, solicitor on behalf of the surviving officers of the Revolutionary army of the United States, most respectfully represents:

That your memorialist is instructed by his suffering constituents to renew, to your honorable Houses, the application for an equitable settlement of the half pay for life, as stipulated by the resolves of Congress, during the war of independence, and as sanctioned and acknowledged by reports of several committees of the House of Representatives, under the present Government of the United States.

To establish, in full proof, the strict equity of this long protracted claim, a detailed and faithful statement of facts, drawn from the public records and other authentic documents, must suffice—and it will not be deemed a trespass on the deliberations of the National Legislature to adduce them—inasmuch as the faith of the United States, which was solemnly pledged to the due performance of the original contract, is deeply interested in a just and final decision on this national engagement—in bar or abatement of which the plea of inability is no longer an adducible or valid plea—the honorable fulfilment of the contract, on the part of the claimants, having essentially contributed to furnish the most ample means for its discharge, as less than

the ten thousandth part, in value, of the land, which was secured to the Treasury of the United States, exceeds the aggregate amount of their claim.

It is with the most respectful deference your memorialist observes that, while the pressure of the Revolution and its results, prevented full and correct settlements of public contracts, no class of creditors more cheerfully acquiesced in the necessity of withholding their demands, than the impoverished and distressed officers of the Revolutionary army, who not only forbore to prefer the present claim, for many years after the war, but abstained from remarking on the partial favor which had been extended to the foreign officers in the service of the United States, who, as early as the 3d of February, 1784, three months after the army had been disbanded, were permitted to exchange their certificates at the Treasury of the United States, for certificates of registered debt, on which an interest of six per cent. per annum was allowed, and was regularly paid in specie, until they chose to receive the principal, which was also paid to them in specie; while the American officer, whose service, both in term and privation, exceeded that of the foreign officer, in more than a double ratio, was compelled, without alternative, to receive a certificate of commutation, to which he had never assented, on which, for many years after it was issued, no interest was paid, and the principal of which, when sold to procure the means of sustaining that life which had been so often and so freely exposed to secure the independence and sovereignty of his now peaceful and prosperous country, did not yield to the starving veteran one-eighth part of its nominal value. Nor was the injury to the aggrieved officer, by the non-fulfilment of the original contract, limited to the loss of all the interest and seven-eighths of the principal of the commutation certificate; it has doomed him, through life, to penury and distress; for, in acceding to the proposition which Congress, in the darkest and most doubtful period of the Revolution, made to the officers, to continue in service until the close of the war, on the express stipulation that they should be allowed half pay for life, they not only devoted themselves to the service of their country, but, exhausting their individual resources in unavoidable expenditure, (as a month's pay would not purchase a pair of shoes,) and relinquishing all private pursuits, they lost the opportunities enjoyed by their fellow-citizens, of acquiring professions and the means of future support, and, by the violation of the promise of half pay for life, and the total failure of the commutation certificate, they were left, at the close of an eight years' war, and in the very hour of national triumph, gained by their efforts, in poverty and want. The painful truths, national and individual, which constitute and attest this solemn contract, are adduced with extreme reluctance; and the wounded sensibility that would have suppressed them, has only yielded to a necessity which admits no control.

That no doubt may rest on the validity of this hard-earned claim, your memorialist most respectfully submits the following brief statement of facts in confirmation:

On the 21st of October, 1780, Congress resolved that half pay for life should be allowed to the officers of the Revolutionary army, who should continue in service to the close of the war.

On the 17th of January, 1781, Congress resolved that the officers who, by the reform of the army, might be reduced, should be allowed half pay for life, as well

as the officers who should continue in service to the close of the war.

As no assertion can contravene these positive stipulations on the part of Government, no argument is required to maintain them, and it only remains to show that they have never been fulfilled; for—

On the 22d of March, 1783, when the preliminary articles of peace were signed; when every service and sacrifice that had been stipulated, or could be required on the part of the officers, had been faithfully performed, and were honorably recorded in the acknowledged independence and sovereignty of the United States; when the stipulated reward of half pay for life had become a complete and vested right in each individual officer, Congress resolved that the half pay for life should be commuted for five years' full pay—exclusively referring the acceptance of the commutation to the decision of lines and corps, and expressly denying the right of refusal to the officers individually; by which arbitrary measure not only a numerous minority of the younger officers of the main army, who dissented, and protested against the change, but all the officers of the lines of Georgia, South Carolina, North Carolina, and a great part of the Virginia line, who had been made prisoners of war, and not being reorganized, could not be consulted, either in corps or as individuals, were deprived of their just and vested rights. The officers in the minority of the main army, without their consent, and the officers of the Southern lines, without even the knowledge that the measure of commutation had been proposed!

Under this concise and correct statement of facts, authenticated by the public records, it must be admitted that the United States were not at liberty, on any sound principle of law or morals, to make any change in the original contract for the half pay for life, without the express consent of each individual officer, whose right therein had become vested and complete. And, on this conclusion, your honorable Houses are invoked, by every consideration of national faith and individual justice, to administer the only relief which the strict equity of the case admits and requires—an adherence to the original contract, by allowing the amount of arrearages of the half pay, without interest, from the close of the war, and deducting therefrom five years' full pay, or nominal amount of the commutation certificate, and continuing the half pay, in half-yearly payments, to the surviving officers of the Revolutionary army, for and during their natural lives, respectively.

That the mode of settlement which is here most respectfully suggested, is just and liberal, on behalf of the claimants, must be evident, on considering that it proposes to refund the full nominal amount of the commutation certificate, of which the officers did not receive more than one-eighth part, in a sale forced by want of bread, and that it relinquishes all interest on the arrearages of the half pay, thereby placing the public in a more profitable position than if the original contract had never been violated.

That the consideration for which the half pay for life was covenanted, was, in all respects, different from that of any other contract, is more lamentably attested by the sacrifice which it exacted, and by the privations which it has since imposed on the claimants, and that the present application for relief is not only in strict equity, but is, from the very nature of the case, totally distinct from that of all other public creditors, must also be admitted, when the facts which support it are compared with those of any other claim.

The citizen who sold his property to the public during the Revolution, received a price proportioned to the scale of depreciation, and had it in his power to part with the purchase money before the depreciation was enhanced. The contribution furnished by the officer, on the faith of the United States, that half pay for life should be allowed, was of much higher value than any species of property; it was the devotion of his time, and toil, and blood, to the service and safety of the nation, involving not merely the hazard of life, but multiplied privations, if his life should be spared; and it was contradistinguished from all other claims by the express nature of the contract, which rendered the stipulated compensation absolutely dependent on the contingency of success, and to which contingency the labor and life of the officer were pledged by his engagement to continue in the service to the close of the contest. Nor is it more distinguished from all other claims, by the solemn obligations of the original contract, than it has been by the repeated infractions which that contract has suffered, having, in express contradiction of the various acts of the Government, been thrice violated.

1st. By the arbitrary conversion of the complete and vested right which the officer had acquired in the half pay for life, into a commutation of five years' full pay.

2d. By compelling the officer to receive, instead of five years' full pay in money, a certificate, which yielded no interest for many years after it was issued, and the principal of which was not available to the impoverished officer for more than one-eighth or one-tenth of its nominal value, as is explicitly attested by the report of a committee of the House of Representatives, on the 30th of January, 1810.

3d. By the act of Government which established the funding system, converting the commutation certificate, which had been declared to be only an equivalent for the half pay for life, when it carried an interest of six per cent. per annum, into deferred debt and stock, bearing an interest of three per cent. per annum.

By the last infraction of this national engagement, independent of all other injury, the officer has lost, in this defalcation of interest alone, calculated to the present time, according to the payment of interest on the public debt, quarterly, more than the whole nominal amount of the commutation certificate, which amount has been taken from the individual and transferred to the Treasury of the United States, against every principle of equity and national honor.

Facts thus attested, require no further illustration; they are drawn from the highest authorities, and are within the reach of immediate reference—and your memorialist, confident in the correctness of the statement which he submits to your honorable Houses, is well assured that the decision, which is now prayed for, in behalf of his long suffering constituents, will be conformed to the wisdom and justice of an enlightened Government, and to the gratitude and liberality of an independent and prosperous nation.

And on this assurance he would close the prayer of his petition. But it is due to the memory of the first of patriots, the illustrious leader of the American Army, to place before your honorable Houses his dignified and disinterested sentiments on this interesting subject.

General WASHINGTON, when addressing the Governors of the several States, on the subject of half pay and commutation, states in his letter, dated

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Army Appropriations.

H. OF R.

"HEADQUARTERS, NEWBURG, June 18, 1793.

"I may be allowed to say, it was the price of their blood and of your independence—it is therefore more than a common debt—it is a debt of honor; it can never be considered as a pension or gratuity, nor cancelled until it is fairly discharged.

"G. WASHINGTON."

On this affecting and conclusive testimony, your memorialist rests a well-founded hope that the equitable claim of his constituents, as now stated, will be immediately accorded.

And your memorialist will ever pray.

W. JACKSON,

*Solicitor on behalf of the surviving officers
of the Revolutionary Army of the U. S.*

ARMY APPROPRIATIONS.

Mr. STORRS, of New York, rose to offer a resolution. In doing so, he disclaimed any intention or wish to agitate anew any question arising out of the subject which had been so much discussed in this House at the last session of Congress. But, he said, if there was any point on which this House should be particularly tenacious of its prerogatives, it was upon its Constitutional right of originating revenue bills, and its concurrent right, with the Senate, of denoting, according to their own discretion, the manner in which the public moneys should be appropriated and applied. The only object, then, of his present motion, was to inquire whether any abuses in the distribution of the public money had heretofore occurred, that, if so, they might for the future be provided against.

Mr. S. then presented the following resolution:

Resolved, That a committee be appointed to inquire and report to this House, whether any of the public moneys appropriated by Congress for the pay and subsistence of the regular Army of the United States, since the 4th day of March, 1815, have been applied to the support of any army or detachment of troops raised without the consent of this House, or the authority of Congress; and that the said committee also have leave to report by bill.

The resolution was agreed to, without debate or opposition; and Mr. STORRS, Mr. FULLER, Mr. CULPEPER, Mr. MERCER, and Mr. TOMLINSON, were appointed the said committee.

The House adjourned to Monday.

MONDAY, December 13.

Two other members, to wit: from South Carolina, ELIAS EARLE, and from Georgia, JOHN A. CUTHBERT, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. FOOT,

Resolved, That, in all cases where petitions were presented at the last session of the last Congress to this House, and referred to committees, but not finally acted upon, both by the committees and the House, the said petitions shall be considered as again presented and referred to the same committees, respectively, without special orders to that effect. And it shall be the duty of the said committees, respectively, upon application in behalf of any petitioner, whose petition was presented and

referred as aforesaid, to consider and report thereon in the same manner as if it were referred to such committee by special order of the House.

Mr. KENT presented the petition of the Mayor, Aldermen, and Common Council, of the City of Washington, praying for the renewal of the acts incorporating the inhabitants of the said city, which expire on the 4th of March next, with several alterations and amendments which are therein stated.

Mr. KENT also presented a petition of the President, Directors, and Company, of the Bank of Alexandria, praying for a renewal of the charter of the said bank, and that it may not be consolidated with other banks in that place.

Mr. WARFIELD presented a petition of Charles A. Beatty, Thomas Corcoran, Elisha W. Williams, and John Hoye, of Georgetown, in the District of Columbia, praying to be permitted to erect buildings on the south side of Water street, in said town, which they are now prohibited from doing, by an act of Maryland, passed in the year 1784.

Ordered, That the said petitions be referred to the Committee for the District of Columbia.

Mr. LITTLE presented a petition of the merchants and traders and others, of the city of Baltimore, praying that an uniform system of bankruptcy may be established.—Referred to the Committee on the Judiciary.

Mr. OVERSTREET presented a petition of Thomas Hightower, praying compensation for an injury sustained by his slave, while gratuitously assisting a wagon loaded with ordnance, which became impeded near the house of the petitioner.—Referred to the Committee of Claims.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Gad Worthington; which was read twice, and committed to a Committee of the Whole tomorrow.

Mr. SMITH, from the same committee, also reported a bill for the relief of John Gooding and James Williams; which was read twice, and committed to a Committee of the Whole last appointed.

Mr. SMITH also reported a bill for the relief of Denton, Little, & Co., and of Harman Hendricks, of New York; which was read twice, and committed to the same Committee of the Whole.

The SPEAKER laid before the House a schedule of fees, proper to be allowed for the officers of the district courts of North Carolina, prepared and transmitted by the judge of that district, in obedience to a resolution of this House, of the 22d of February last; which schedule was referred to the Committee on the Judiciary.

On motion of Mr. MERCER,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of prohibiting by law the emission or circulation, within the said District, of any bank note or notes, intended to constitute an ordinary medium of exchange, of a denomination under five dollars.

On motion of Mr. HENDRICKS, the Committee on the Public Lands were instructed to inquire into the expediency of continuing the act, passed at the

H. OF R.

Report on the Finances.

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last session, entitled "An act further to suspend for a limited time the sale of a forfeiture of lands for failure in completing the payment thereon."

REPORT ON THE FINANCES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his annual report upon the state of the finances; which was read, and ordered to lie on the table. The report is as follows:

TREASURY DEPARTMENT, Dec. 10, 1819.

SIR: I have the honor to transmit herewith a report, prepared in obedience to the act, entitled "An act to establish the Treasury Department."

I have the honor to be, very respectfully, &c.

WM. H. CRAWFORD.

The Hon. the PRESIDENT of the Senate.

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1st. Of the Revenue.

The net revenue arising from duties upon imports and tonnage, internal duties, direct tax, public lands, postage, and other incidental receipts, during the year 1815, amounted to \$49,556,642 76, viz:

Customs, (see statement A.)	-	\$36,306,022	50
Internal duties	-	5,963,225	88
Direct tax	-	5,723,152	25
Public lands	-	1,287,959	28
Postage, and other incidental receipts	-	275,282	84

That which accrued from the same sources during the year 1816, amounted to \$36,657,904 72, viz:

Customs, (see statement A.)	-	\$27,494,100	36
Internal duties	-	4,396,133	25
Direct tax	-	2,785,343	20
Public lands	-	1,754,487	38
Postage, and other incidental receipts	-	237,840	53

That which accrued from the same sources, during 1817, amounted to \$24,365,227 34, viz:

Customs, (see statement A.)	-	\$17,524,775	15
Internal duties	-	2,676,882	77
Direct tax	-	1,833,737	04
Public lands, (exclusive of Mississippi stock)	-	2,015,977	00
Postage, and other incidental receipts	-	313,855	38

And that which accrued from the same sources during the year 1818, amounted to \$26,095,200 65, viz:

Customs, (see statement A.)	-	\$21,828,451	48
Arrears of internal duties, (see statement B.)	-	947,946	33
Arrears of direct tax, (see statement B.)	-	263,926	01
Public lands, exclusive of Mississippi stock, (see statement C.)	-	2,464,527	90
Postage, dividends on bank stock, and other incidental receipts, (see statement B.)	-	590,348	93

It is ascertained that the gross amount of duties on merchandise and tonnage, which have accrued during

the three first quarters of the present year, exceeds \$18,000,000.

And the sales of public lands during the same period, have exceeded \$8,700,000.

The payments into the Treasury during the three first quarters of the year, are estimated to amount to, (inclusive of \$169,594 07 in Treasury notes)—

Customs	-	\$15,604,081	58
Public lands, (exclusive of Mississippi stock)	-	2,858,556	61
Arrears of internal duties	-	195,531	02
Arrears of direct tax	-	72,880	24
First instalment payable by U. S. Bank	-	500,000	00
First dividend on the U. S. shares in the U. S. Bank	-	175,000	00
Incidental receipts	-	59,095	43
Repayments	-	85,462	29

\$19,550,607 17

And the payments into the Treasury during the 4th quarter of the year, from the same sources, are estimated at -

5,000,000 00

Making the whole amount estimated to be received into the Treasury, during the year 1819, (exclusive of \$169,594 07 in Treasury notes) -

24,381,013 10

Which, added to the balance in the Treasury on the 1st day of January last, (exclusive of \$32,155 51 in Treasury notes), amounting to -

1,446,371 23

Makes the aggregate amount of -

25,827,384 33

The application of this sum for the year 1819, is estimated as follows, viz:

To the 30th of September the paym'ts, (exclusive of \$81,161 79 in Treasury notes, which have been drawn from the Treasury and cancelled,) amounted to	-	\$18,192,387	43
Civil, diplomatic, and miscellaneous expenses	-	2,544,612	98
Military service, (including arrearage)	-	7,665,961	72
Naval service, (including the permanent appropriation for the gradual increase of the navy)	-	3,527,640	42
Public debt, (exclusive of \$81,161 79 in Treas'y notes, above mentioned)	-	4,454,172	31

During the fourth quarter it is estimated that the payments, (exclusive of \$120,587 79 in Treasury notes, which will be drawn from the Treasury and cancelled,) will amount to

7,300,000 00

Viz:
Civil, diplomatic, and miscellaneous expenses - \$500,000

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Report on the Finances.

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Military service	-	-	\$1,530,000
Naval service	-	-	300,000
Public debt, to the 1st of Jan., 1820, (exclusive of \$120,587 79 in Treasury notes, above mentioned)	-	-	4,970,000

Making the aggregate amount, (exclusive of \$201,749 58 in Treasury notes, drawn from the Treasury and cancelled,) of	-	-	25,492,387 43
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And leaving, on the 1st of Jan., 1820, a balance in the Treasury, estimated at	-	-	\$334,996 90
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2d. Of the Public Debt.

The funded debt which was contracted before the year 1812, and which was unredeemed on the first day of Oct., 1818, (as appears by statement I,) amounted to - - - \$29,681,280 07

And that contracted subsequently to the 1st day of January, 1812, and unredeemed on the 1st of October, 1818, as appears by the same statement, amounted to	-	-	68,146,039 84
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Making the aggregate amount of	-	-	97,827,319 91
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Which sum agrees with the amount stated in the last annual report, as unredeemed on the 1st October, 1818, excepting the sum of \$1,885 13, which was then short estimated, and which has since been corrected by actual settlement.

On the 1st day of January there was added to the amount, for Treasury notes brought into the Treasury and cancelled, and for which the following stock was issued:

In 6 per cent. stock	-	\$49,024 71
In 7 per cent. stock	-	2,646 00

51,670 71

Making	-	\$97,878,990 62
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From which deduct Louisiana six per cent. stock, reimbursed on the 21st of October, 1818	-	\$4,977,950 00
And deferred stock reimbursed between the 1st Oct., 1818, and 1st Jan., 1819	-	252,863 27

5,230,813 27

Making the public debt, which was unredeemed on the 1st Jan., 1819, (as appears by statement 2,) am't to	-	92,648,177 35
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From the 1st of January to the 30th September, inclusive, there was, by funding Treasury notes, and issuing 3 per cent. stock, for interest on old registered debt, added to the public debt, (as appears by statement 3,) the amount of	-	36,135 59
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\$92,684,312 94

From which deduct the amount of stock purchased during that period, (as appears by statement 4) —

\$711,957 55

And the estimated reimbursement of deferred stock	-	-	243,827 88
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955,785 43

Making, on the 1st of October, 1819, (as appears by statement 3,) the sum of	-	-	\$91,728,527 51
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Since the 30th of September there has been redeemed, or provision made for the redemption of 54 per cent. of the Louisiana stock, unpaid on the 1st October, 1819, amounting to - - - \$2,601,817 15

And there will be reimbursed of the principal of the deferred 6 per cent. stock, on the 1st Jan., 1820	-	241,506 70
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2,843,323 85

Leaving the public debt unredeemed on the 1st Jan'y, 1820, by estimate	-	\$88,885,203 66
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The Treasury notes in circulation are estimated, (as appears by statement 5,) at	-	-	\$181,821 00
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The whole of the awards made by the commissioners appointed under the several acts of Congress for indemnifying certain claimants of public lands, (as appears by statement 6,) amounts to \$4,282,151 12

Of which there has been received at the office of the Commissioner of the General Land Office, (as appears by statement C,) the sum of	-	2,372,574 31
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Leaving outstanding, at the dates of the several returns from the land districts	-	-	\$1,909,576 81
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3. Of the Estimates of the Public Revenue and Expenditures for the year 1820.

In presenting the estimate for the year 1820, it may be proper to observe, that, when the internal duties were repealed, on the 31st of December, 1817, the permanent revenue, including those duties, was estimated at \$24,525,000, while the annual authorized expenditure was ascertained to be less than the sum of \$22,000,000. The repeal of the internal duties reduced the former to \$22,025,000, while the payments from the Treasury, during the year 1818, exceeded \$26,000,000; and those of the present year will, probably, fall but little short of \$25,500,000.

In the annual report of the Treasury of the 21st of November, 1818, the receipts for the present year were estimated at \$24,220,000. Although this estimate will be realized in its general result, deficiencies have been ascertained in the customs, the internal duties and direct tax, the bank dividends and the postage of letters. The deficiency which has occurred in the customs, internal duties, and direct taxes, will probably augment, in nearly the same degree, the receipts from those sources in the year 1820, by the payment of the revenue bonds, and of that portion of

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the internal duties and direct taxes, which, if the accustomed punctuality had been observed, would have been received during the present year. But it is probable that the receipts of that year will be diminished by the non-payment of the bank dividends, and by the application of a portion of the proceeds of the public lands to the redemption of the outstanding Mississippi stock. The receipts for the year 1820, applicable to the ordinary and current demands upon the Treasury, may therefore be estimated at twenty-two millions of dollars, viz :

Customs - - - - -	\$19,000,000 00
Public Lands - - - - -	2,000,000 00
Arrears of internal duties and direct tax - - - - -	450,000 00
Second instalment due by the United States Bank - - - - -	500,000 00
Incidental receipts - - - - -	50,000 00
Which, with the sum estimated to be in the Treasury on the 1st of January, 1820 - - - - -	334,996 90

Make the aggregate amount of \$22,334,996 90

The estimates of the expenditure for the year 1820 are not yet complete; but it is ascertained, from those which have already been received, that a sum not less than \$27,000,000 will be required for the service of that year. This deficit of nearly \$5,000,000, resulting from the excess of expenditure beyond the receipts, cannot be supplied by any application of the ordinary revenue. After paying the interest and reimbursement of the public debt, and redeeming the remainder of the Louisiana stock, about \$2,500,000 of the Sinking Fund will remain without application, if the price of the public stocks should continue above the prices at which the Commissioners of the Sinking Fund are authorized to purchase. During the years 1821, 1822, and 1823, the average sum of \$5,000,000 of the Sinking Fund will also remain without application, if the price of the public stock should prevent its purchase. Any application of that portion of the Sinking Fund, which, on account of the price of the public stock, may remain unemployed in the hands of the Commissioners of the Sinking Fund, to other branches of the public service, if allowable under the provisions of the act making the appropriation, would only postpone the period at which additional impositions would be required to meet the public expenditure. Such an application would also have the effect of ultimately retarding the redemption of the public debt.

It may be proper to add, that, although some of the items in the estimate for the ensuing year may be considered in their nature temporary, yet it is probable that the estimate for succeeding years will exceed rather than fall below it.

Under all the circumstances, it is respectfully submitted, that the public interest requires that the revenue be augmented, or that the expenditure be diminished.

Should an increase of the revenue be deemed expedient, a portion of the deficit may be supplied by an addition to the duties now imposed upon various articles of foreign merchandise, and by a reasonable duty upon sales at public auction; but it is not probable that any modification of the existing tariff can supersede the necessity of resorting to internal taxation if the expenditure is not diminished. Should Congress

deem it expedient to modify the present rate of duties, with a view to afford that protection to our cotton, woollen, and iron manufactures, which is necessary to secure to them the domestic market, the necessity of resorting to a system of internal taxation will be augmented. It is believed that the present is a favorable moment for affording efficient protection to that increasing and important interest, if it can be done consistently with the general interest of the nation. The situation of the countries from whence our foreign manufactures have been principally drawn, authorizes the expectation, that, in the event of a monopoly of the home market being secured to our cotton and woollen manufactures, a considerable portion of the manufacturing skill and capital of those countries will be promptly transferred to the United States, and incorporated into the domestic capital of the Union. Should this expectation be realized, the disadvantages resulting from such a monopoly would quickly disappear. In the meantime, it is believed that a system of internal taxation would be severely felt by the great mass of our citizens.

Whether the revenue be augmented, or the expenditure be diminished, a loan to some extent will be necessary. The augmentation of the one, or the diminution of the other, cannot be effected in sufficient time to prevent this necessity. As the six per cent. stock of the United States is considerably above par, the sum required to be raised by loan can be conveniently and advantageously obtained by the sale of stock of that description, or it may be obtained by the issue of Treasury notes. If the revenue and expenditure shall be equalized, the issue of Treasury notes, not bearing interest, is recommended in preference to the creation or sale of stock, as the loan, in that event, will be small in amount, and temporary in its nature.

All which is respectfully submitted.

WM. H. CRAWFORD.

CLAIMS FOR PROPERTY LOST, &c.

Mr. GROSS, of New York, submitted the following resolution for consideration :

Resolved, That a committee be appointed, with instructions to inquire into the expediency of providing by law for compensating such citizens of the United States as suffered captivity or loss of property, by the enemy, between the times of their approach to, and retreat from, Pittsburg, in the year 1814, and which happened in consequence of such citizens having been in arms with the militia against such enemy, or having refused protection from them, and without neglect or fault on the part of such citizens; and that said committee have leave to report by bill or otherwise.

Mr. WILLIAMS, of North Carolina, opposed the resolution, as changing the practice of the House, which had been to refer claims of that description to the Committee of Claims. That committee had, he said, invariably paid due attention to the subjects referred to them; it had made many reports to the House, and those reports had invariably been sustained by it. If that committee had ever failed in its duty in this respect, there would be a good reason why the House should interpose to give a different direction to this particular business. Believing, however, that this could not be alleged, he wished to understand with what views the resolution had been offered.

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Mr. GROSS waived inquiry into the practice of the House; respecting which he intimated, being a new member, it would be justly considered presumption were he to attempt to contradict what had been advanced by the gentleman from North Carolina. After some explanation of the merits of the particular class of cases embraced by his motion, Mr. G. said he had introduced it in the present shape, because he thought it always better to do justice on principle than in detail. It was better to do justice generally than to legislate for particular cases. Another reason, too, had weight with him, however it might operate on the House. He desired that these sufferers should receive just compensation, and that they should not be prevented from obtaining it by mere matter of form, or by reference to what had been done heretofore in analogous cases. We have enough of form in our public offices and in our courts of law; and he was unwilling, when persons apply here to get rid of the insolence of office, or of the law's delay, that they should be repelled by objections of form and precedent. To prevent alarm from the amount of these claims, Mr. G. said he would state that the claims were few in number. He applauded the care which gentlemen had over the Treasury; it was a laudable care; but, Mr. G. said, whilst Congress provided for themselves conveniences to superfluity—while they multiplied public officers and clerks, and gave them liberal compensations, almost without limit or inquiry, he was not willing that the equitable and just claims of those who had exposed themselves in the service of their country, should not be complimented with at least a hearing. Such a hearing, he conceived, they could best have through the agency of a special committee.

Mr. WILLIAMS, disavowing any disposition to prolong a discussion on this subject, rose to explain. He might have been understood to have said, that the Committee of Claims had uniformly rejected these claims. The fact was, that, at a former session, the Committee of Claims had determined, that, on principle, these persons were not entitled to indemnity. But a majority of the committee determined, in consequence of the great suffering these people had experienced, to report in favor of allowing to them a gratuity to the amount of one half or one third of the amount of their claims. This report had been investigated by the House, who refused to concur with the committee, and rejected the claims on principle. If, as the gentleman said, there were but few cases, why not let them be presented singly to the Committee of Claims? But, Mr. W. begged leave to state, for the information of the House, that the principle involved in these cases would comprehend claims to an immense amount—how much he could not say, but certainly four or five hundred thousand dollars. Ought the House not then to be cautious in regard to them? The Committee of Claims were by no means anxious to have this subject before them; but, to preserve uniformity in the decisions of the House, he had felt himself bound to oppose this motion.

The question was then taken on the motion of

Mr. GROSS, and decided in the negative, without a division.

WEIGHTS AND MEASURES.

Mr. ALLEN, of Massachusetts, offered for consideration a resolution to this effect:

"That a committee be appointed to inquire into the expediency of fixing by law a standard of weights and measures."

Mr. LOWNDES, of South Carolina, said that, having himself made a report on this subject at the last session of Congress, and having withal the subject much at heart, he should before now have moved to revive it at this session, had he not understood that, in pursuance of a resolution of one branch of Congress, passed two or three years ago, the Secretary of State had examined the subject, and was about to make a full report thereon to the House. He thought it advisable, therefore, that the appointment of a committee should be suspended until the report was received in this House as well as the other, when the subject would be fully before both Houses.

Mr. ALLEN, assenting to the suggestion of Mr. LOWNDES, withdrew his motion.

The orders of the day being announced, a motion was made to go into Committee of the Whole on the Missouri bill; but a motion to adjourn had preference, and was agreed to.

TUESDAY, December 14.

Another member, to wit, from Kentucky, BENJAMIN HARDIN, appeared, produced his credentials, and took his seat.

Mr. JOHN CROWELL, the Representative from the State of Alabama, also appeared, produced his credentials, was qualified, and took his seat.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of William McDonald, which was read; when Mr. W. reported a bill for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. COBB, from the committee to whom was referred the petition of the Legislature of Georgia, on behalf of the commissioners appointed by that State to lay off and survey certain lands in the Big Bend of Tennessee river, made a detailed report, which was read; when Mr. C. reported a bill for the benefit of Thomas Carr and others, which was read, and committed to a Committee of the whole House.

Mr. BLOOMFIELD, from the Committee on Revolutionary Pensions, made a report on the petition of Lewis Joseph Beaulieu, which was read; when Mr. B. reported a bill for the relief of the said Lewis Joseph Beaulieu, which was read twice, and committed to a Committee of the Whole.

On motion of Mr. LOWNDES, the Secretary of State was directed to report to this House what information he may be able to obtain as to the regulations and standards of weights and measures in the several States, and as to the proceedings in

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foreign countries for establishing uniformity in weights and measures, together with such a plan for fixing a standard of weights and measures for the United States as he may deem most proper for their adoption.

The SPEAKER communicated to the House a letter addressed to him by JAMES PLEASANTS, JUN., containing a notice of the resignation of his seat in this House, as one of the members for the State of Virginia, which was read, and ordered to lie on the table.

Mr. JONES, of Tennessee, gave notice that he would to-morrow move the House for leave to introduce a bill for the relief of Captain John Cowen and others.

MILITARY EXECUTIONS, &c.

Mr. WILLIAMS, of North Carolina, offered for consideration the following resolution:

"*Resolved*, That the President of the United States be requested to cause to be laid before this House any information he may possess, respecting certain executions or other punishments which may have been inflicted on the Army of the United States, since the year 1815, contrary to the laws and regulations provided for the government of the same."

In offering this resolution, Mr. WILLIAMS took occasion to refer to the reports in general circulation, on which his motion was founded, and particularly to one case reported as the most aggravated. The report of it he said, was to this effect: Colonel King, who was left by General Jackson in command of Pensacola, issued an order, that if any soldier deserted, and was overtaken or apprehended, he should be put to instant death. One soldier, who had deserted, was overtaken, and so put to death. When apprehended, he exclaimed that, as an American citizen, he was entitled to a trial according to the laws of his country, and claimed his rights as such. But, with cruelty and precipitance, his request was refused, and he was put to instant death. Congress, Mr. W. said, sat here as guardians of the rights of the people. But it was the weak, more than the strong, whose rights were the peculiar care of this House. If the facts he had stated, on the authority of common report, were confirmed, a just punishment ought to await the offenders. Are the rights of an officer invaded, said he, the alarm is sounded from one end of the country to the other; every feeling is roused in his defence! And, when the case of the private soldier, weak and defenceless in his own cause, presents itself, should no one be found to stand up for him? Mr. W. hoped, he said, that there would be a thorough examination into the case, that, if the officer in question had acted as reported, he might be exemplarily punished; and, if the report was not true, it was due to Colonel King that the statement should be disproved.

Mr. SMITH, of Maryland, said, he hoped the gentleman from North Carolina would, for the present, let the resolution lie on the table. He had heard, he said, that a court martial had been ordered on Colonel King, on the very point. If so, he would be tried for his alleged misconduct by the proper test—the rules and articles of war.

Should he not be punished for misconduct, if any had been committed, it was then time enough for this House to take it up. So long as there were laws, Mr. S. said, officers and soldiers were alike amenable to them for misconduct, and to the laws he would leave them. With respect to the prompt execution of a deserter, he referred to a case which occurred during the Revolutionary war, as related at the last session of Congress by one of his colleagues, (Colonel Reed,) in which a similar order had been issued under the authority of General WASHINGTON, and which order was carried into effect in at least one case. So that the order now spoken of, if given by Colonel King, was not without example.

Mr. WILLIAMS said, he would be willing that the resolution should lie on the table, if any good purpose could be answered by its taking that course. It had been said, that a court martial had been ordered in this case. That was part of the very information, Mr. W. said, which he wished to obtain from an authentic source. If assured officially that such was the fact, Mr. W. said he should be willing to stay all further proceedings on this case. But the report of that fact was rumor merely, vague surmise, and, for aught he knew, unfounded conjecture. As to the order said to have been issued by General WASHINGTON, it had no analogy to the present case. That was adapted to extreme cases, such as that of alarming desertion, when political existence was at stake; this was an occurrence in profound peace, when desertion, by thinning the ranks of the Army, would, but for its moral effect, have been perhaps beneficial rather than otherwise—by employing at home the labor which was otherwise lost to the country. Had WASHINGTON been in command at Pensacola, he would have revolted with abhorrence from such a transaction.

Mr. SMYTH, of Virginia, expressed his hope that this resolution would be permitted to lie on the table. Colonel King was at this moment under trial by a court martial, on charges connected with the reports which had been spoken of; and there would certainly be great propriety in waiting the result of that trial, before this House took up the subject.

Mr. COBB, of Georgia, expressed his opinion, that the resolution, if objectionable at all, was so on the ground that it did not go far enough. If he was not grossly deceived in the information he had received, the case mentioned by the gentleman from North Carolina was not the only one, of the infliction of punishments in the Army, contrary to law. If a very strict inquiry was made into this subject, he believed it would be discovered that, daily, the rules and articles for the government of the Army are violated. He had understood, from a gentleman formerly an officer of the Army, of high respectability, that it was now the daily practice in the Army, directly in the face of the law, to punish soldiers corporally for offences. He hoped the resolution would pass, and that the House would obtain information on the subject.

Mr. STROTHER, of Virginia, said he, too, hoped the resolution would pass, not that he apprehended

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that the facts would be obtained on which gentlemen seemed to calculate, but because, when a statement is presented to this House involving the conduct of any department of the Government, it becomes its duty to examine it fully and impartially. On principle, he said, he should have objected to the adoption of the resolution; for he was a decided advocate of the separation of the powers of Government, and of permitting each department to revolve within its own sphere. For the purpose, however, of wiping off an imputed stain from the character of a department of this Government, (over which presided a man whose reputation, great as it now was, he believed would brighten with its length of years,) he would assent to this resolve. But, after all, on what foundation did it rest? On mere newspaper publications—fabrications, perhaps, and utterly unworthy of being made the ground of any proceedings in this House. He did not apprehend to this inquiry a result which he should deprecate as much as his friend from Georgia. If, indeed, any department, or any officer of this Government, trespassed on the rights of any citizen, Mr. S. said he should be among the first to urge an inquiry and inflict exemplary punishment where due. He was desirous that the name of *citizen* should be to an American citizen what it had once been to the Roman—a defender and protector of his rights. He was not, under all the circumstances, for delaying the inquiry a moment. As the statement, by being made in this House, had received wings, and would fly abroad through the nation, he wished to have full light thrown on the transaction in question.

Mr. STORRS, of New York, rose principally to state a fact, in corroboration of what had fallen from others. He had himself seen, in the cantonment at Sackett's Harbor, punishment inflicted on soldiers by stripes; and, when it had been a subject of conversation among the officers, it had been justified on the ground of the absolute necessity of resorting to it. There were, he doubted not, repeated instances like this, in which, under the eyes of the officers, the articles of war were openly violated. The soldier, so far from preferring charges against those who violated these rules to his injury, dared not even murmur. It was very proper now, Mr. S. said, to ascertain whether any orders from the War Department authorized these proceedings; and, if not, it was desirable to know why proper measures had not been taken to prevent their recurrence.

Mr. LOWNDES said that although enough had been said to convince him that an inquiry into this matter by the Executive was already on foot, yet he considered it sufficient to justify this House in making a call on the Executive for information that any member of the House declared that he desired that information. He was therefore in favor of the resolution. Mr. L. made some other remarks. With regard to the incident referred to as having occurred in the Revolutionary war, Mr. L. said it had no connexion with that which is reported lately to have occurred, (and of which he heard for the first time to-day,) but depended on other principles. If any gentleman believed

that habitual violations of the law took place, in regard to the infliction of punishment, it was certainly a fit subject of inquiry—so much a matter of course, on being asked for, that he hoped no one would object to it.

Mr. SMITH, of Maryland, said it struck him, at first view, that the resolution might be taken to imply a censure on the Executive, by imputing to it a knowledge of violations of the law, without taking measures to redress them. After what had been said, however, he should not further object to the inquiry.

Mr. COBB rose only to say, that, as far as his information went, the punishments he had referred to had been inflicted not only without the knowledge of the Executive and War Department, but contrary to their known wishes and injunctions.

Mr. WILLIAMS said, with regard to censure of the Executive, it was no part of the object of his motion, nor of the motives which led him to make it. He supposed, on such abuses being known, the most prompt and effectual means would be taken by the Executive to correct them; and the information to that effect, which the resolution might elicit, would redound to the credit of the Executive. Confiding in the integrity and good disposition of the gentleman who now presides over the affairs of the nation, he believed he had caused the matter to be inquired into. But he wished officially to know the fact; and he felt persuaded, that, if the President himself had been consulted in regard to this resolution, he would have wished it to pass.

Mr. TAYLOR, of New York, wished the resolution to lie on the table. He had no objection to the inquiry, but to the generality of the terms of the motion. It opened too wide a range, in calling for information of every military execution within five years, instead of pointing to the one referred to as being a proper subject for inquiry. With regard to what are *lawful* punishments, said Mr. T., the President may entertain one opinion and we another. We know, indeed, this House was, at the last session, nearly divided in opinion respecting certain punishments inflicted by the Commander of our Army in the course of the Seminole war. To avoid a complication in the inquiry by making it too extensive, Mr. T. said he was desirous that the object of the inquiry should be more particularly defined.

Mr. FLOYD, of Virginia, wished the resolution to lie on the table, not that he would refrain from inquiry into this subject, but because he had it from very good authority that a court martial had been instituted on the case; that its proceedings were now before the President of the United States, and that the result of them was soon expected to be promulgated. Until that was done, he should think this House should delay any proceedings it might think proper to institute relative to this matter.

Mr. TRIMBLE, of Kentucky, next spoke. Why, he asked, was this resolution to lie on the table? Did gentlemen desire to make an informal inquiry on the subject from the Executive, or some

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head of a department, and bring it into the House? If an inquiry was to be made at all, had it not better take the regular course now proposed? If the facts were as stated, was it not due to the country that an inquiry should be made by this House, and a law passed for the prevention of such abuses of power for the future? The fact, as stated, appeared to be, that a citizen of the United States had been put to death without a trial, either civil or military. A reason why this proposal to inquire into it should not be laid on the table, was, that, if the facts should be confirmed, there were other and higher duties than those of inquiry merely which this House would be called on to perform. It would be found, on an examination of the rules and articles of war, that, after conviction by a court martial, a commanding officer may approve a sentence of death; but, in peace, no military execution could legally take place but by approbation and authority of the President of the United States. Now, here was a case stated, in which death had been inflicted, not only without the authority of the President, but without trial by a court martial. If the law martial is not strong enough to prevent such excesses, said Mr. T., we must try some different mode.

Mr. MERCER, of Virginia, said it appeared to him that, upon the information which had been given to it, it had now become the imperious duty of the House to prosecute this inquiry—not only for the reasons stated, but because it had been asserted, and contended even in this House, that the rules and articles for the government of the army are not binding on the army after it passes the limits of the United States. If such were the fact, it was high time some rules should be made for the government of the army when without the limits of the United States.

Mr. HOLMES, of Massachusetts, although he did not approve the mode of the inquiry proposed, was yet opposed to the motion's being ordered to lie on the table. He was in favor of the inquiry proposed, but he was not for submitting the question for the decision of the Executive what military executions had been legal or otherwise. That was a question which this House ought to decide for itself. If the motion to lay the resolve on the table should not prevail, he said he should propose an amendment, the object of which would be, to refer the inquiry to the Committee on Military Affairs, and not to the Executive. All the information in possession of the Executive could be obtained by them, as well as information from other quarters, which might be very different from that in the possession of the Executive. Mr. H. said he would not have the inquiry limited. It was enough for him that the blood of a citizen had been shed; it was enough for him that he had heard so, to authorize the institution of an inquiry. When a soldier was slain by his officer, or by the orders of his officer, it was the duty of the House to inquire into it, and in the mode most likely to be effectual—which, in his opinion, was by referring the subject to a committee.

The question was then taken on laying the reso-

lution on the table, and decided in the negative without a division.

Mr. HOLMES then proposed the amendment above indicated.

This motion gave rise to some discussion, in which MESSRS. WILLIAMS, HOLMES, STROTHER, and LOWNDES, took part; which eventuated in the amendment being negatived—90 to 73.

The original motion of Mr. WILLIAMS was then agreed to *nem. con.*, and a committee of two members ordered to be appointed to lay the same before the President.

RESTRICTION OF SLAVERY.

Mr. TAYLOR, of New York, said he rose to invite the attention of the House to a subject of very great moment. The question of slavery in the territories of the United States west of the Mississippi, it was well known, had at the last session of Congress excited feelings, both in the House and out of it, the recurrence of which he sincerely deprecated. All who love our country, and consider the Union of these States as the ark of its safety, must ever view with deep regret sectional interests agitating our national councils. Mr. T. said he could not himself, nor would he ask others, to make a sacrifice of principle to expediency. He could never sanction the existence of slavery where it could be excluded consistently with the Constitution and public faith. But it ought not to be forgotten that the American family is composed of many members; if their interests are various, they mutually must be respected; if their prejudices are strong, they must be treated with forbearance. He did not know whether conciliation were practicable, but he considered the attainment worthy of an effort. He was desirous that the question should be settled in that spirit of amity and brotherly love which carried us through the perils of a Revolution, and produced the adoption of our Federal Constitution. If the resolution he was about to introduce should be sanctioned by the House, it was his purpose to move a postponement of the Missouri bill to a future day, that this interesting subject, in relation to the whole Western territory, may be submitted to the consideration of a committee. Mr. T. then introduced the following resolution:

"Resolved, That a committee be appointed to inquire into the expediency of prohibiting by law the introduction of slaves into the territories of the United States west of the Mississippi."

Mr. STROTHER made a few remarks, the purport of which was, that, although the question was already before the House, as involved in the bill for the admission of the Missouri Territory into the Union, yet, when a proposition was made having for its object a compromise of conflicting opinions, it became members to meet it in a spirit of harmony. He proposed, however, that the proposition should lie on the table till to-morrow, to give time for reflection on it.

Mr. TAYLOR assenting to this course, the motion was ordered to lie on the table.

And, on motion, the House adjourned until to-morrow.

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Revolutionary Pension Law—Restriction of Slavery.

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WEDNESDAY, December 15.

Two other members, to wit: from Maryland, THOMAS BAYLY, and from South Carolina, JAMES ERVIN, appeared, produced their credentials, were qualified, and took their seats.

Mr. CANNON, from the committee appointed on the 9th instant, reported a bill providing for the payment for horses and other property lost, captured, or destroyed in the Seminole war; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. COOK, the Secretary of War was directed to lay before the House of Representatives the several topographical reports that have been made to the War Department, in pursuance of instructions to that effect, respecting the practicability of uniting by a canal the waters of the Illinois river, and those of Lake Michigan, and such other information as he may be in possession of on that subject.

On motion of Mr. MORTON, the Committee of Ways and Means were instructed to inquire whether, in any case, further time than is already prescribed by law ought to be allowed for the redemption of lands sold for direct taxes, and purchased pursuant to law for and in behalf of the United States.

A Message was received from the PRESIDENT of the UNITED STATES, which was read, and is as follows:

To the Senate of the United States:

In conformity with the resolution of the House of Representatives, of the 24th of February last, I now transmit a report of the Secretary of State, with extracts and copies of several letters, touching the causes of the imprisonment of William White, an American citizen, at Buenos Ayres.

JAMES MONROE.

WASHINGTON, 14th December, 1819.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Gad Worthington; the bill for the relief of Denton, Little, & Co., and Harman Hendricks, of New York; and the bill for the relief of John Gooding and James Williams; and, after some time spent therein, the said bills were reported without amendment, and ordered to be engrossed and severally read the third time to-morrow.

The SPEAKER laid before the House a letter from the Secretary of the Navy, stating that a deficiency exists to a considerable amount in the appropriations of the present year, for the support of the naval establishment, principally occasioned by fitting out squadrons for the suppression of the slave trade, and of piracy, and soliciting that appropriations may be made to cover the same, as also a partial appropriation for the service of the ensuing year; which was read, and referred to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting his report on the petition of James Leander Cathcart, referred to him by an order of this House, passed at the first session of the fifteenth Congress; which report was read, and, together with the petition of

the said Cathcart, referred to the Committee of Claims.

Mr. HERRICK offered for consideration the following resolution:

“Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing by law an additional national armory, [and also into the expediency of locating the same on the Muskingum river, at the town of Zanesville, in the State of Ohio.]”

On motion of Mr. LOWNDES, in order to leave the inquiry in its broadest shape, and to make it wholly unobjectionable, the resolution was amended by striking out the words in brackets; and, thus amended, the resolution was agreed to.

REVOLUTIONARY PENSION LAW.

Mr. RICH, of Vermont, in offering the following resolution, said that it was a sufficient reason for an inquiry into the subject of it, that it had produced considerable excitement throughout the country. Either from defect in the law or in the administration of the law, or because of the total impracticability of giving due effect to the law, it was believed that the intentions of Congress in passing it had not been fulfilled. It was proper that the subject should be fully examined, and the defects be remedied, if susceptible of remedy; or that the law should be repealed altogether. Mr. R. then moved the adoption of the following resolution:

“Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the manner in which the act of the 18th of March, 1818, has been executed; ascertaining, as far as may be practicable, the class or classes of cases which it has been construed to embrace, and such as have been excluded from its provisions: whether the objects contemplated by its passage have been, or probably will be, effected by the operations of the law; and, if not, whether it be susceptible of such amendments as will insure the accomplishment of those objects; that, in case it shall be ascertained that from fraudulent practices under the law, for which no effectual remedy can be applied, or from any other cause, the original objects of it are unattainable, the said committee inquire into the expediency of its repeal.”

The resolution was agreed to without opposition.

RESTRICTION OF SLAVERY.

On motion of Mr. TAYLOR, of New York, the House proceeded to the consideration of the resolution yesterday offered by him, in the words following, to wit:

Resolved, That a committee be appointed to inquire into the expediency of prohibiting by law the introduction of slaves into the territories of the United States west of the Mississippi.

Mr. TAYLOR said, it was not his purpose to go into any discussion of the merits of this proposition; nor, he believed, would any discussion assist the end he had in view. If a compromise of opposite opinions was to be effected, it appeared to him better that a committee should be appointed to examine into it, and make their report; and that the question should not be moved in this House

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until that committee should have expended their best efforts on this object.

The question was then taken, without debate, on agreeing to the resolution, and decided in the affirmative, without a division. A committee of seven members was ordered to be appointed accordingly; and Messrs. TAYLOR, LIVERMORE, BARBOUR, LOWNDES, FULLER, HARDIN, and CUTHBERT, were appointed a committee pursuant to the said resolution.

Mr. TAYLOR then moved to postpone, until the first Monday in February next, the order of the day on the bill authorizing a convention of the people of Missouri for the purpose of forming a constitution and State government.

Mr. LOWNDES said, he thought the day which was proposed for the postponement was too distant; and that the question whether any compromise could be effected might be decided in a much less time than that. He could hardly suppose that the glimpse of the possibility of a compromise, which had appeared, ought to induce the House so long to postpone the consideration of this measure. He did not desire to act on the subject immediately, but wished it to lie on the list of orders of the day until the House was ready to take it up.

Mr. LIVERMORE, of New Hampshire, observed, that the Missouri question was of great moment, and deserving of full consideration, and one that was unfortunately calculated to excite irritation. He therefore hoped that it would be postponed to a late day in the session, that other business of a pressing nature might be first disposed of. It could not be material whether Missouri be made a State this day or at the end of the present session.

Mr. SCOTT, delegate from Missouri, said he hoped that the proposition to postpone till the first Monday of February would not succeed. It was of vast importance to the people of Missouri that an immediate decision should be made on this question. If the bill passed at an early day, the people would then have time to meet in convention, form their constitution, organize their government, elect members to a general assembly, on whom it would devolve to choose Senators to the Congress of the United States. If, on the other hand, the bill ultimately was lost, it was equally necessary that the people should be soon apprized of its failure, that they might have time to act for themselves, and frame a form of government, which he was convinced they would do, without waiting to again apply to Congress for the mere means of organization. The resolution which had been adopted furnished no good reason for the postponement, because it only proposed an inquiry into the expediency of the measure in relation to the Territories, and could not control the Constitutional inquiry and right of the people of Missouri to form their constitution as a State.

Mr. TAYLOR replied. With regard to the prospect of success to his proposition, he could only say, without knowing the opinion of any other member, that he had a sincere disposition to accomplish the object of the proposition he had submitted. And, should he fail of his object, it ap-

peared to him the first Monday in February would be time enough to commence what he feared would be a most unprofitable and unproductive discussion. With respect to the people of Missouri, Mr. T. said, it would be time enough for them, he presumed, after the first Monday in February, or even after they learnt the decision of this House, to elect a convention and form a constitution without the authority of Congress.

Mr. ANDERSON, of Kentucky, was opposed to the proposed postponement. The discussion of this bill might well go on, without reference to the object embraced by the vote of this morning, which had no bearing on the question whether or not one of the Territories should be admitted into the Union. With regard to the discussion, which it was supposed would be disagreeable, Mr. A. asked whether that on the report of the committee this day ordered to be appointed would be less so? The two questions embraced the same points. Even the complete success of the proposition of the gentleman from New York could not prevent the discussion on the question, which must arise during the session on the admission of the Territory of Missouri into the Union. He hoped the postponement would not take place.

Mr. MERCER, of Virginia, was opposed to so long a postponement as was proposed; because, the Territory possessing the requisite population, &c., every moment's delay, considering the practice of the Government heretofore, was an infraction of its rights. Mr. M. particularly desired, when this question was taken up, that it should not be by surprise, in such manner as to deprive gentlemen of the opportunity of expressing their opinions on it. He himself had, he said, at the last Congress, taken some pride in recording his vote against the introduction of slaves into the Territories of the United States, because that measure was within the fair scope of the legislative power. At the same time, he considered it inconsistent with the most solemn obligations to respect the Constitution, for Congress to clog the admission of any independent State into the Union with any condition whatever, except that the constitution formed for its government should be republican. He concluded by moving the 2d Monday of January as the day to which the bill should be postponed.

And, on the question, the order of the day on the Missouri bill was postponed to the second Monday in January.

THURSDAY, December 16.

Two other members, to wit: from Vermont EZRA MEECH, and from Delaware, WILLARD HALL, appeared, produced their credentials, were qualified, and took their seats.

Mr. SERGEANT presented a memorial and remonstrance of the American Convention for promoting the abolition of slavery, held in Philadelphia on the 5th of October, 1819; representing their strong apprehensions of the evil consequences which must inevitably result to the United States, by enlarging the sphere and protracting the

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duration of domestic slavery; and respectfully remonstrating against the admission into the Union of any new State or States which may hereafter be formed, unless on the conditions that the further introduction of slavery therein be prohibited; and that the duration of slavery therein be confined to those who shall be held in such bondage at the time of their admission.—Referred to the committee appointed yesterday to inquire into the propriety of prohibiting the introduction of slaves into the territories west of the Mississippi.

Mr. SERGEANT also presented a memorial of sundry inhabitants of the city and county of Philadelphia, praying that, in the admission of the Missouri Territory into the Union as a State, provision may be made for the perpetual exclusion of slavery within the same; which memorial was referred to the Committee of the Whole, to which is committed the bill to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States.

Mr. BALDWIN presented a petition of sundry inhabitants of the western counties of the State of Pennsylvania, praying that other and further measures may be adopted for the security and encouragement of the manufacturing interest of the country.

Mr. RINGGOLD presented a similar petition from sundry inhabitants of Washington county, in the State of Maryland.—Referred to the Committee on Manufactures.

Mr. McLEAN, of Kentucky, presented a petition of Jacob Purkill, praying compensation for a negro man who was impressed into the public service to do fatigue duty, near New Orleans, during the military operations in that neighborhood in the late war with Great Britain; in which service, being extremely severe, he contracted a disease, of which he died in a short time.—Referred to the Committee of Claims.

Mr. ROSS presented a memorial of sundry inhabitants of the State of Ohio, praying Congress to adopt such measures as will abolish the practice of privateering; which memorial was referred to the Committee on Foreign Affairs.

Mr. CAMPBELL, from the Committee on Private Land Claims, made a report on the petition of Philip C. S. Barbour, which was read; when Mr. C. reported a bill for the relief of the legal representative of Philip Barbour, deceased; which was read twice, and committed to a Committee of the Whole.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of James Hughes, which was read; when Mr. A. reported a bill for the relief of said James Hughes; which was read twice, and committed to a Committee of the Whole.

Mr. SERGEANT, from the Committee on the Judiciary, reported a bill to establish a uniform system of bankruptcy throughout the United States; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee of Com-

merce, reported a bill for the relief of Beek & Harvey; which was read twice, and committed to a Committee of the Whole House.

The engrossed bill entitled "An act for the relief of Denton, Little & Co., and of Harman Hendricks, of New York," was read the third time and passed.

The engrossed bill for the relief of Gad Worthington (for allowing, in settlement at the Treasury, for a sum of money, of which the deputy of one of the collectors of internal duties was robbed) was read a third time; and on the question, "Shall the bill pass?" it was decided in the negative—90 to 56. So the bill was rejected.

The engrossed bill for the relief of John Gooding and J. Williams was read a third time.

[This bill proposes to allow to those persons twenty-two hundred dollars (under the act allowing one hundred dollars for each prisoner brought into port during the late war by privateers) for twenty-two slaves so brought in, and received for by the marshal of the district where the vessel arrived.]

The bill was opposed by Mr. TRIMBLE, of Kentucky, and supported by Mr. SMITH, of Maryland; and was rejected.

PETITION OF SAMUEL G. ADAMS.

The House proceeded to consider the unfavorable report of the Committee of Claims made yesterday on the petition of Samuel G. Adams; and, the same being read,

Mr. TYLER moved to reverse the report, and direct the Committee of Claims to report a bill for his relief.

[The case is substantially this: S. G. Adams was commander of a detachment of militia during the late war; and, on their being discharged, he, as agent for those under his command, the paymaster being without funds, received his due-bill for the amount, and gave a receipt on the pay-roll. For the payment of this bill he applies to Congress. The committee report, that the responsibility for the amount of the pay, had, by the transaction above described, been transferred from the Government to the individual who was the paymaster, and who gave the bill; and that therefore the prayer of the petitioner is not reasonable, and ought not to be granted.]

Mr. TYLER spoke in support of his motion, contending that the paymaster was the agent or attorney of the Government in the transaction, and the Government was equitably if not legally bound by his acts. It was a question for the magnanimity of the House, whether the fraud of the agent of the Government ought to be allowed to deprive of his pay the poor soldier, whose services had been earnestly invited and cheerfully rendered, during the war.

Mr. WILLIAMS replied. To admit such a claim, he contended, would be to establish a precedent for endless frauds on the Government, by collusive practices between claimants and the agents of the Government. It was due to the state of the finances, at this time—which he had understood from the report of the Secretary of the Treasury were

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nearly exhausted—to guard them against lavish disbursement; though in the most prosperous times no claim ought to be allowed against the Government, which, the circumstances being the same, would not be good against an individual.

Mr. TYLER contended that, under similar circumstances, the claim would have been unquestionably good against an individual.

The subject excited considerable interest. Other gentlemen spoke on the subject, viz: Mr. PINCKNEY, Mr. RICH, Mr. BRUSH, Mr. HOLMES, and Mr. GROSS.

After considerable debate, the House divided on the proposed amendment; which was negatived by a considerable majority; and the report of the Committee of Claims was concurred in.

FRIDAY, December 17.

Mr. BUFFUM presented a petition of sundry inhabitants of the State of New Hampshire, praying that other and further measures may be adopted for the security and encouragement of the manufacturing interest of the country.—Referred to the Committee on Manufactures.

Mr. FULLER presented a petition of sundry manufacturers and venders of American manufactured paper, in the State of Massachusetts, praying that the duty imposed on foreign paper imported into the United States may be changed from an ad valorem to a specific duty.—Referred to the Committee of Commerce.

Mr. FOLGER presented an address of the representatives of the yearly meeting of Friends, of New England, expressive of their disapprobation of the introduction of slavery in the territories or States west of the Mississippi river; which was referred to the committee appointed on the 15th instant, to inquire into the propriety of prohibiting the introduction of slavery into the said territories.

On motion of Mr. WHITMAN, the Secretary of War was directed to report to this House a statement of the expense of furnishing the Army of the United States with rations for the term of one year, ending on the 14th of April, 1818, exhibiting the average cost per ration. And, also, of the expense of furnishing the Army with rations; exhibiting, also, the average cost per ration, for the term of one year, under the provisions of the law passed on the 14th April, 1818, entitled "An act to regulate the staff of the Army."

On motion of Mr. ROSS, the Committee on the Public Lands were instructed to inquire into the expediency of providing, by law, for the future sale of public lands in half quarter sections, and the propriety of reducing their present price.

On motion of Mr. ROBERTSON, the Committee on the Public Lands were instructed to inquire into the expediency of so altering the laws regulating the sales of the vacant lands of the United States, that, from and after the — day of —, no credit shall be given thereon, and a less quantity may be purchased, and at a less price than is authorized by the existing laws. ●

On motion of Mr. WOODBRIDGE, the Committee on the Public Lands were instructed to inquire

into the expediency of providing, by law, for the final adjustment of the ancient titles to land within the Territory of Michigan.

Mr. RICH submitted the following resolution, which was read, and ordered to lie on the table:

Resolved, That the Committee of Claims be instructed to prepare and report a bill providing for the distribution of a sum of money among such of the citizens of the United States as lost their property in consequence of the general conflagration, by the enemy, on the Niagara frontier during the late war.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting sundry statements relative to the internal duties and direct tax, as required by the thirty-third section of the act of the 22d July, 1813; which was ordered to lie on the table.

Mr. WARFIELD offered for consideration the following resolve:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the pay of jurors for the Circuit Courts of the United States for the district of Maryland.

The resolution, having been amended by extending it to the District Courts, and by striking out the concluding words, "for the district of Maryland," so as to make the inquiry general, was agreed to.

The House spent some time in Committee of the Whole, on the bill for the benefit of Thomas Carr and others; but, without having gone through the same, reported progress, and had leave to sit again.

In like manner, some time was spent in Committee of the Whole, (Mr. J. S. SMITH in the chair,) on the bill for the relief of L. J. Beaulieu.

Mr. LIVERMORE being one of the majority who yesterday voted to reject the bill for the relief of J. Gooding and T. Williams, moved now to reconsider the said vote; which motion was decided in the negative.

The House adjourned to Monday.

MONDAY, December 20.

Mr. McLEAN, of Kentucky, presented a petition of sundry inhabitants of that State; which petitions respectively pray, that Congress will adopt such other and further measures as will afford effectual encouragement and security to the manufacturing interest of the country.—Referred to the Committee of Manufactures.

Mr. SERGEANT also presented petitions from sundry inhabitants of the city and county of Philadelphia, praying that, in the admission of the Missouri Territory into the Union as a State, provision may be made for the perpetual exclusion of slavery within the same.—Referred to the Committee of the Whole, on that subject.

Mr. NEWTON presented a petition of the merchants and other inhabitants of the borough of Norfolk, in the State of Virginia, praying for the establishment of a uniform system of bankruptcy throughout the United States.—Referred to the Committee of the Whole, to which is committed the bill for that purpose.

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Mr. KENT presented a petition of the Board of Trustees of the Infirmary in the City of Washington, praying Congress to provide for the support and maintenance of such persons as have been in the army or navy of the United States, and may come to the Seat of Government to obtain a pension, or to settle their accounts, and who may be unable to support themselves.—Referred to the Committee for the District of Columbia.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill in addition to the act making appropriations for the support of the navy of the United States for the year 1819; which was read twice and committed to a Committee of the Whole.

Mr. SMITH also reported a bill making a partial appropriation for the military service of the United States for the year 1820; which was read twice and committed to the Committee of the Whole.

Mr. SERGEANT, from the Committee on the Judiciary, to whom was referred an inquiry into the expediency of increasing the pay of jurors in the circuit and district courts of the United States, made a report, stating that the pay at present allowed is one dollar and twenty-five cents a day, for each day's attendance, and five cents a mile in travelling to and from court; that the committee are not aware of any good reason for increasing this compensation; and requesting to be discharged from the further consideration of the subject. The report was read and agreed to.

Two Messages were received from the President of the United States, the first of which, on the subject of the slave trade, was referred to the committee on that subject and ordered to be printed.

The other Message, on the subject of printing the Journal of the Convention which framed the Constitution, was ordered to lie on the table.

REVOLUTIONARY OFFICERS.

Mr. SERGEANT, from the select committee appointed on the memorial of the surviving officers of the Revolutionary army, made a report thereon, favorable to the prayer of the petitioners, accompanied by a bill for their relief; which bill was read twice, and committed. The report is as follows:

The memorialists represent that, by the resolve of the 21st of October, 1780, Congress stipulated that half-pay for life should be allowed to the officers of the Revolutionary army who should continue in service till the end of the war; that they did continue in service till the end of the war, and therefore became entitled to the benefit of the contract thus entered into with them by their country; that this contract has not been fulfilled, and they are now entitled to ask its fulfilment.

They further represent that the commutation offered and received under the resolve of the 22d of March, 1783, ought not to be considered as cancelling the obligation of the Government, or impairing the claims of the officers, because it was itself an acknowledgment of the Government of its incapacity at that time to fulfil the contract; because it was offered, not to individuals, but to lines and corps, for their acceptance, which gave an undue influence to officers of age and rank, who were likely to be gainers by the arrange-

ment, and did not afford a full opportunity to the younger officers of inferior grade, who were chiefly interested in retaining the half-pay for life, and excluded altogether from a voice in the decision many meritorious officers, whose lines had been broken up by the casualties of war; because, also, it was offered to men whose necessities obliged them to accept what they could obtain for the immediate supply of their wants; and, finally, because the commutation was not, as it ought to have been, and was intended to be, an equivalent to the half-pay for life.

Referring to a report made to the House in the month of January, 1810, a copy of which accompanies the present report, and contains at length the several resolves of Congress, and the principal facts and arguments having relation to the claim, the committee proceed respectfully to submit their views of the nature of the case, and of the obligations on the part of the Government thence arising.

It is not necessary to remind the House, either of the merit or the value of the services rendered by the memorialists to their country. History has already consecrated the one, and the other is sufficiently attested, in a manner that must appeal to the best feelings of every citizen of the United States, by the rapid growth and eminently happy condition of that country, for which they devoted the most valuable portion of their lives; for which they took up their swords; and for which, too, with no less patriotism, they laid them down when her liberty and independence had been effectually secured. If, in behalf of this interesting remnant of the officers of the Revolution, of all that remains to us to cherish of the gallant and illustrious band who have done so much for us, an appeal were made to the national sense of gratitude, we presume respectfully to say that it could scarcely be resisted. It would then be recollected that these survivors are precisely the men who have made the greatest sacrifices for their country, as, from the time that has since elapsed, it will be seen that most of them must have spent in her service that very portion of life when, according to the order of nature, the habits are formed, and the acquirements made, which in a great measure determine its future fortune and character; and that, while they were thus generously preparing for the nation an abundant harvest of political and social happiness, they gave up the only opportunity for themselves of becoming qualified for any occupation which in time of peace could assure to them the means even of a comfortable subsistence. If accidental good fortune, or distinguished capacity, or the good feelings of their fellow-citizens, displayed in selecting them for public offices of profit, have placed some of them above the reach of want, it is, nevertheless, believed that there are many who have little to console them in the prime of life but the recollection of the share they have contributed in laying the foundation of their country's independence. To all such, how welcome and how gladdening would be the substantial manifestation of that country's gratitude! A provision for their few remaining years would alleviate the sufferings of age; and the veteran of the Revolution would feel continually, and be quickened and animated by the feeling, that the time he had devoted to the public service was not to himself altogether waste and unprofitable; that his exertions and his sufferings were not altogether overlooked; but, by a natural and honorable return, that country, whose infancy he had aided by his sword to guard, now, in the day of her strength

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and her prosperity, extended her hand to soothe and to support the weakness of his declining years.

It is not, however, upon grounds like these that the memorialists rest their application. They claim upon the footing of right, maintaining, your committee respectfully submit, with great force, that what they ask for is due to them by contract. In the examination of this claim, it appears to the committee that towards men whose merits are so unquestionable, the Government ought to be guided by principles of liberal justice, having regard to all the circumstances, giving them all their due weight, and even where there might be some doubt upon the application of the rules that govern between man and man, to incline in favor of the memorialists. With this explanation the committee beg leave to state, that they consider the resolve of the 21st of October, 1780, as a contract between the Government and the officers, freely and voluntarily entered into at a time when both parties were at liberty in regard to the subject of it, and stipulating, as the consideration on the part of the officers, their future services until the end of the war, whatever might be its duration. It is not to be questioned that the stipulated service was rendered, nor that it was eminently useful. But it deserves to be remembered, in connexion with all which subsequently occurred, that, after the officer had rendered the service, he had no further reliance but upon the faith and ability of the Government. This was his condition when the resolve of the 22d of March, 1783, was adopted. The preliminaries of peace had been signed, the army was about to be disbanded, and he to be thrown into society, there to seek his livelihood by civil pursuits, for which the tenor of his preceding life was calculated only to disqualify him. Had he, under the pressure of circumstances so urgent, and growing out of his previous services, assented to the commutation, his country could scarcely deem it a voluntary assent, but rather a submission to an uncontrollable and instant necessity, which admitted of no deliberation or delay. But there is another reason why this assent ought not to be considered as binding. The contract of 1780 was with the individual officers, and it is not strictly reconcilable with justice that it should be varied, rescinded, or released, as to any one of them, without his own individual consent. The commutation, except as to certain retired officers, was offered, not to the individuals, but to lines and corps; thereby subjecting the individual, as to his own particular rights, to the decision of others, and, with respect to the younger and inferior officers, exposing them to be governed by the overruling influence of superior rank and years, to which they were habitually accustomed to submit.

The committee are aware that it may be urged—and between individuals it might be decisively urged—that the subsequent acceptance of the commutation certificate, of itself, amounted to an assent. If the officer had been left free to make his choice, and, having made it, the Government had given him what he freely consented to receive, the argument would not have been without some force. But he was not so free. The resolve of Congress—the act of Government and a law—left him no choice, except to abide by the decision of the lines and corps of the Army, or wait, whatever might be his wants, until a more fortunate period should enable him to approach that body, not with a power to enforce his right, but only to sue for it in the language of solicitation. It may be remarked, though somewhat out of order, that this is substan-

tially the course which these memorialists are now pursuing. They have waited until their country is able to do them justice, and they now petition for their right, offering to relinquish all they have received.

But it is also true, and furnishes an additional answer to the objection, that the Government was not able to comply with the terms of the resolve of 1783. It could not pay in money, and it did not pay in what was equivalent to money. The commutation certificate was then, and for some time after, worth no more than one-eighth (perhaps even less) of its nominal value. When at the distance of eight years afterwards the funding system was established, it is notorious that, generally speaking, the certificates no longer remained in the hands of the officers. The restoration of the public credit came too late for men whose necessities were so imperious; and thus the half pay for life, which had been solemnly stipulated and most meritoriously earned, dwindled in the hands of the officers, without any fault of theirs, to scarcely more than half pay for a single year.

Under this view of the case, it seems to your committee just and reasonable, and becoming the faith of the nation, to execute the contract originally made, upon the terms proposed by the memorialists—that is to say, of deducting from the arrears of the half-pay, computed from the cessation of hostilities to the present time, the full nominal amount of the commutation certificate, and paying to the surviving officers the balance; and henceforward, during the remainder of their lives, paying to them the half pay stipulated by the resolve of 1780. For the arrears, the memorialists are willing to receive stock, bearing an interest.

In order to define and limit, with as much precision as possible, the extent of the demand which will thus be created upon the Treasury, your committee have thought it right to assume as a basis the number of surviving officers and the aggregate of claim which are stated by the memorialists themselves; and they recommend, respectfully, that any provision which may be made be limited accordingly, so as not to exceed that sum.

In conformity with these suggestions, the committee herewith report a bill.

CREDIT FOR DUTIES.

Mr. TRIMBLE, of Kentucky, submitted the following resolutions:

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of repealing all laws whereby a credit is allowed upon duties accruing on imports and tonnage.

Resolved, That the same committee be instructed to inquire into the expediency of repealing all laws allowing drawback.

Mr. TRIMBLE said that he had some doubts whether he had selected the proper committee to make the proposed inquiry. It had direct relation to the fiscal operations of the country, and, for that reason, belonged to the family of subjects in charge of the Committee of Ways and Means; but, in its scope and consequences, it undoubtedly involved the interests of commerce and domestic manufactures. A few days since, said Mr. T., the House was called on to resolve a kind of divorce between commerce and manufactures; and it was then said, that their interests were in many respects hostile to each other. If the committees on those subjects

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should find any confliction of interests, (which he hoped they would not,) the Committee of Ways and Means being in amity with each of these, would maintain relations of neutrality with both. Referring to the substance of the proposed inquiry, he said that it would probably have to be made at some future period of the session, and he thought it time to call the attention of gentlemen to the subject. The annual report from the Treasury Department has been laid upon our tables, and it is known to all of us, said Mr. T., that there is a deficit in the revenue of five millions of dollars, which sum must be raised to meet the expenditures of the next year; and this deficit will be greatly increased, if the tariff shall be raised for the purpose of encouraging domestic manufactures. To this we must add five millions more, to pay the claims assumed by our Government, under the late treaty with Spain. It must not be forgotten, that we are called upon to perform the treaty on our part, and to force a compliance on the part of Spain. If we resolve to occupy the Floridas, ways and means must be found to raise ten millions of dollars for the next year, beyond the estimated income of the Treasury. We ought also to be prepared for the contingencies of that movement.

Another view of the subject, said Mr. T., is equally important, or more so. It is well known that ours is the only Government that allows a credit for duties on imports and tonnage. In all other countries they are made payable in cash. It is true, that some nations make a difference between duties on imports and duties on consumption. France is an instance; but the difference is not so material as to require explanation at present. By our revenue laws, bonds at six and nine months are taken for duties on all articles (except salt) imported by sea, the produce of foreign places or islands, situated on the eastern shores of America, north of the equator; and the duties on imports from all other ports and places are bonded at a credit of eight, ten, and eighteen months, payable in equal sums. Gentlemen, he said, could easily satisfy themselves that the merchant importers have a constant loan of about twenty millions of dollars, and the Treasury, in that respect, may be considered a kind of loan office, to encourage importations. It was believed, he said, that this system of long credits operated as a bounty to export specie, and as a premium to discourage the exportation of our home produce. That it operated as a bounty to promote importations, and discourage domestic manufactures, was a true fact, capable of the clearest demonstration. If such, said he, is the tendency of the present system, it is time to begin a revision. The result of an inquiry will show what encouragement can be given to domestic manufactures, beyond the cash payment of duties.

Mr. T. thought the proposed change of such importance to the importers, that they ought to have fair notice of it. As a body, he knew them to be numerous and respectable, and he had no wish, on his part, to spring the question on them by surprise or stratagem; their objections, when they matured, if they have any, may afford light on the subject.

As to the drawback, he would only say, that

some attempts had been made, as he was informed, to pay the duties in depreciated currency, and get the drawback in good paper. This, if true, ought to be corrected. He did not know that he should be in favor of repealing the drawback laws, but some regulations would have to be made on that branch of revenue, and it was perhaps best to present it and the other subject at the same time.

Mr. SMITH, of Maryland, expressed his satisfaction that Mr. TRIMBLE had thus early brought forward his motion; but, he observed, if Mr. T. should succeed in his object, it would be laying the axe to the root of the whole system of revenue. Had it not been for the drawback system, Mr. S. said, the revenue of the country never would have been what it was—but for that system the public debt would never have been paid. This was a motion, he said, of vital importance; and he repeated his pleasure that it had been introduced in time to give it a full consideration.

A motion was made by Mr. SILSBEE, to lay the resolution on the table and print it; which, after a remark or two from Mr. WARFIELD, Mr. RHEA, and Mr. TRIMBLE, in which Mr. T. assented to the course proposed, the motion prevailed, and the resolution was laid on the table accordingly.

REVOLUTIONARY PENSIONS.

Mr. JONES, of Tennessee, offered for consideration the following resolution:

Resolved, That the Secretary of War be requested to state to this House whether, in pursuance of the law of 18th March, 1818, any pensions have been granted, which, for reasons which he will state, ought not to have been granted; and what course has been pursued in relation to such pensions, or those to whom they may have been granted.

Mr. J. said, he was induced to offer the resolution to obtain information on a subject which had excited much interest. The Revolutionary officers and soldiers, or some of them, were charged with the commission of frauds in obtaining pensions under the law of 1818. If this was true, the nature of the frauds should be known, and a remedy should be applied. On examining the law upon the subject, he said he was disposed to think there was no power to prevent their receiving the pensions thus illegally obtained. If the law was defective, it ought to be amended.

This motion and those incidentally made relative to it produced some discussion, and some amendments to it previous to its adoption, of which the following is a brief account:

Mr. STROTHER, of Virginia, moved to amend the resolve by adding to the end of it the following words:

“And the number and names of those who have been placed upon the pension list from each State, and the amount paid in each State under the said law.”

Mr. JONES accepted this amendment as a part of his motion.

Mr. BLOOMFIELD, of New Jersey, suggested, that this resolve could not be necessary, the subject being already distinctly referred to a commit-

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tee of the House, who had the subject under consideration, and would doubtless obtain and report all the necessary information.

Mr. WHITMAN, of Massachusetts, moved that the resolve should be ordered to lie on the table for the present.

Mr. LINCOLN, of Massachusetts, opposed this motion by a course of remarks, extended to considerable length, of which the following was the purport: He was opposed to the resolve lying on the table, because the subject of it was intimately connected with the rights and interest of a venerable portion of the community. With respect to the Secretary of War, if he had transcended those powers which the law vested in him, it was highly proper that an inquiry should be made into the matter. If the Secretary of War had the power to strike from the pension list the name of any individual enrolled on it; or, if not legally having the power, he had exercised it, the subject ought to be inquired into. Mr. L. was of opinion that the Secretary neither had, nor ought to have this power. The law prescribed certain requisites and conditions, which being complied with, a person should have a right to be placed on the pension list, without reference to any discretionary power in the Secretary; and, being placed there, the law gave him no authority to displace him. Are these men, said Mr. L., dependent for their subsistence on the will of the Secretary of War? When we have required certain forms and solemnities to place persons on the pension list, is he, without form and without solemnity, merely on the information of some friend in whom he has confidence, justified in striking any one of them from the list? Mr. L. thought not. He wished not to be understood as manifesting any want of confidence in the virtue or talent of the Secretary of War; of which no man had a higher opinion; but no virtue, nor any talent, was proof against misconception or erroneous information, &c. Mr. L. made a number of other remarks of a general nature, on the subject of the Revolutionary Pension Law. He knew, he said, that some persons entertained strong impressions against this law, and that it had become odious to some on account of the number of persons whom it embraced. But, Mr. L. said, ought we not rather to rejoice that so many who served their country in critical times yet live, and that the nation possesses the means of sustaining them when no longer able to support themselves? For his part, he said, he rejoiced that the number was so great; and so far from desiring to see it diminished by the lapse of years, had he the power, he would say to each of them, Soldier of the Revolution—live forever!

Mr. WHITMAN defended his motion to lay the resolution on the table. Among other things he said he was sorry to differ in opinion from the gentleman last up, with respect to the power said to have been exercised by the Secretary of War. It appeared to him that the Secretary of War must have this power, because such a power must somewhere exist. If he had been imposed upon by fraud, he certainly had, or ought to have, the power to revoke the act which was founded on fraud and

false representations. There could be no possible danger from the exercise of such a power by the Secretary of War; it was a power exercised at his peril, and which he would in no case exercise but upon conclusive evidence. If any injustice, however, should be done by any individual, he might come to this House for redress, and, if aggrieved, he could obtain it.

The question on laying the resolve on the table was decided in the negative.

Mr. HILL, of Massachusetts, said, he had no objection to the first part of the resolves, but he had to the latter part (being that added on motion of Mr. STROTHER) which he therefore moved to strike out.

Mr. STROTHER opposed this motion, for which he professed himself unable to see any adequate motive. If fraud had been committed, it was proper to inquire into all the circumstances connected with it, and into the quarter of the country in which it occurred.

Mr. RICH moved to postpone the further consideration of this resolve to the 1st Monday in January, on the ground that the subject was already before a committee of the House, on his motion, and to pass this resolution would be to indicate a want of confidence in their disposition to inquire into the facts connected with this subject.

The motion for postponement was negatived; as also was Mr. HILL's motion, after some debate, in the course of which Mr. TAYLOR of New York supported, and Mr. STROTHER opposed the motion. The latter gentleman incidentally expressed the opinion that the power does belong to the Secretary of War, which he is represented to have exercised, of striking from the pension list those who have gotten there by the means of fraud.

On motion of Mr. TAYLOR, the inquiry was extended, by incorporating in Mr. STROTHER's amendment the words, "and the line to which they belonged, and their rank."

On motion of Mr. STORRS, of New York, the resolution was further amended, by adding thereto the words: "and also the regulations adopted by the War Department in relation to the examination and admission of claims for pensions under this act."

Thus amended, the resolution was agreed to without division.

On motion of Mr. McLEAN, of Kentucky, who stated that the law providing for the payment of such claims had expired, the Committee of Claims was instructed to inquire into the expediency of paying to Henry Cain the value of a horse lost or killed during the late war with Great Britain; and the House adjourned.

TUESDAY, December 21.

Mr. HIBSHMAN presented a petition of sundry inhabitants of Lancaster county, in the State of Pennsylvania, praying that measures may be taken for the protection of the domestic manufacturing establishments of the country.—Referred to the Committee of Manufactures.

The SPEAKER laid before the House a schedule

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of fees, proper to be allowed and taxed for the officers of the district court of the United States, for the western district of Virginia, prepared and transmitted by the judge of the said district, in obedience to the resolution of this House, of the 22d of February last.—Referred to the Committee on the Judiciary.

Mr. HOLMES, of Massachusetts, from the select committee appointed on the subject, reported a bill providing for the admission of the District of Maine into the Union, on an equal footing with the original States.

Mr. FLOYD, of Virginia, moved that the bill be made the order of the day for the second Monday in January, and committed to the same committee of the whole House as the bill for admitting the Territory of Missouri into the Union.

This motion was opposed by Mr. HOLMES, and was negatived—ayes about 20; and the bill was then made the order of the day for to-morrow.

Mr. BUTLER, of New Hampshire, from the committee appointed on the petition of Sarah Allen, made a report, which was read: when Mr. B. reported a bill allowing Sarah Allen the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his services as a private in the late war; which was read twice and committed to a Committee of the Whole.

On motion of Mr. WHITMAN the Committee on Revolutionary Pensions were directed to inquire into the expediency of providing by law for the application for pensions under "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," approved March 18, 1818, by guardian, in case of the insanity of the person entitled thereto.

Mr. CANNON submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of extending to the widows and orphans that have been placed on the pension list of the United States, or may hereafter be placed on said pension list, under the provisions of an act entitled "An act making further provision for military services during the late war, and for other purposes," approved April 16, 1816, a further provision, so as to allow to each orphan, whether of an officer or soldier, after the expiration of the five years half-pay allowed by the provisions of the before recited act, a certain sum, to be paid annually, until they arrive at a sufficient age to provide for themselves. Also, to allow to each widow, whether of an officer or soldier, a certain sum, to be paid annually during life, or to the time of her intermarriage; or to make such other provision for said widows and orphans as may be thought just and necessary.

The House proceeded to consider the said resolution, and, on the question to agree to the same, it was determined in the negative.

Mr. BLOOMFIELD offered a joint resolution, proposing that the two Houses should adjourn from the 24th instant to Monday, the 3d of January.

This resolution was supported by the mover, and by Messrs. NELSON, of Virginia, and WARFIELD, on the ground, that the time proposed was necessary to allow certain alterations of the Hall, and arrangements necessary to enable the House to

proceed with any kind of facility or comfort in the public business, and that, so far from its being a waste of time, it would be the reverse in its consequences, &c.

Mr. RHEA and Mr. GROSS, of New York, opposed the resolution, on the ground that the time proposed for the recess was more than necessary for the purpose referred to by its advocates, &c.

The question on ordering the resolution to a third reading was decided in the negative, by yeas and nays—yeas 50, nays 100; and the resolution of course rejected.

On motion of Mr. SHAW,

Resolved, That the President of the United States be requested to lay before this House, at as early a day as may be convenient, an account of the expenditure of the several sums appropriated for building fortifications, from the year 1816 to the year 1819, both inclusive; indicating the places at which works of defence have been begun; the magnitude of the works contemplated at each place; their present condition; the amount already expended, and the estimated sum requisite for the completion of each; also the mode by which the fortifications are built, whether by contract or otherwise.

Mr. SHAW and Mr. CUSHMAN were appointed a committee to present the foregoing resolution to the President.

On motion of Mr. FOOT, the Committee on Public Expenditures were instructed to inquire and report to this House the amount of the several items which are charged upon the contingent fund; and whether, in their opinion, the expenditures may not, in future, be diminished, consistent with the public interest, and the accommodation of the two Houses of Congress.

On motion of Mr. FOOT, the several committees on so much of the public accounts and expenditures as relates to the Departments of State, Treasury, War, Navy, Post Office, and Public Buildings, were instructed to inquire and report to this House whether, in their opinion, the expenditures in those departments may not be diminished without prejudice to the public interest.

On motion of Mr. COCKE, the Committee on Military Affairs were directed to inquire into and report the allowances which have been made to the officers of the Army of the United States for the transportation of baggage, quarters, and fuel, since the first day of January, 1816, and also into the expediency of regulating the same in future.

On motion of Mr. COCKE, the Committee on Military Affairs were directed to inquire into and report to this House the objects intended to be accomplished by the expedition ordered to the mouth of the Yellow Stone, on the Missouri river.

On motion of Mr. COCKE, the Committee on Military Affairs were directed to inquire into and report to this House the expenditures which have been, and are likely to be, incurred in fitting out and prosecuting the expedition ordered to the mouth of the Yellow Stone, on the Missouri river.

On motion of Mr. RICH, the Committee of Claims were instructed to inquire into the expediency of making compensation to Aaron Bella-

my, of Vermont, for his vessel, captured by the enemy on Lake Champlain, while engaged in the service of the United States; and that the testimony taken under a commission from the late Commissioner of Claims, and on file in the Clerk's office, be referred to the said committee.

Mr. WARFIELD introduced a joint resolution, directing the distribution to each member of the present Congress, not embraced by the former resolution on that subject, one copy of the journals, acts, &c., of the convention, recently published; which resolutions were read twice, and ordered to be engrossed and read the third time.

The House then went into Committee of the Whole, (Mr. SMITH, of Maryland, in the chair,) on the bill for the relief of William McDonald; which was reported to the House, and ordered to be engrossed for a third reading.

LOSSES IN THE SEMINOLE WAR.

The House then resolved itself into a Committee of the Whole, on the bill to provide for the payment of horses and other property lost, captured, or destroyed, during the Seminole war.

Mr. JONES, of Tennessee, took a brief view of the occasion which had made it an act of justice in the Government to pass this bill. The number of cases of losses of horses, from any cause, would not exceed three hundred, and perhaps not two hundred. There was a class of cases not embraced in the bill, however, which he thought ought to be—namely, that of horses killed by forced marches; which being made under orders which the owners of the horses could not disobey, the consequences ought not to fall on them, but on the Government. He therefore proposed an amendment to the bill, the object of which was to include this class of cases.

Mr. CANNON, of Tennessee, said he had no objection to the proposed amendment, though it had been thought proper, by the committee who reported the bill, not to introduce such a provision into it. Mr. C. then spoke of the general merits of the bill. The committee, he said, had not taken into view the manner in which these men were called into service; nor did they undertake to determine whether it had been legally or illegally. It was enough for them to know, that the claimants for losses of this description were, at the time, in the service of the United States, and encountered difficulties and dangers equal, perhaps, to those encountered by any troops in service during the late war with Great Britain. It was not to be supposed, Mr. C. said, that private soldiers knew from what source their orders originated; they presumed them to be legal, and that, in obeying them, they were answering the call of their country. He trusted the House would extend to them the same provision, now proposed, which had in other cases been extended to others. He should vote in favor of the amendment, he said, because he believed it would embrace some just cases, not embraced by the bill as it stood.

Mr. SMITH, of Maryland, was opposed to going beyond the parallel to this bill, to be found in the act applicable to similar losses during the late war

with Great Britain. He was therefore opposed to the amendment. He did not mean to inquire, and he thought the House ought not to inquire, into the nature of the orders by which these mounted volunteers were called into service. They had been in the service of their country; and ought to be indemnified for losses sustained therein.

Mr. STORRS, of New York, said that, in the course of some examination he had made into the documents of a former session, he had accidentally lit upon a document which perhaps might throw some light on the subject now before the House. It was the act supplementary to the military appropriation act of 1818, in which was contained an appropriation of ninety thousand dollars, for paying these volunteers (at the rate of forty cents each per day) for the use of their horses. He asked of the gentlemen from Tennessee, and of the House, whether this allowance was not equivalent to any reasonable risk of the loss or injury of the horses of these volunteers. With regard to the claims' law of 1816, now expired, Mr. S. argued that it was a gratuitous act on the part of Congress, which perhaps never ought to have passed, and ought not now to be brought into precedent.

Mr. JOHNSON, of Virginia, next took the floor. He advanced with regret, he said, to one question which he conceived involved in the consideration of this bill; but if the House was disposed to pass a bill of indemnity, it was first necessary, he said, to inquire whether these troops were legally in service; whether the commanding General had obeyed the orders of the President in calling them out? and whether the President had the power to issue such an order. This, Mr. J. thought the first and most interesting question. What were the facts? The Secretary of War, in December 1817, authorized General Jackson, if necessary, to call on the Governors of the adjoining States for militia; the effective regular force being stated by the Secretary to amount to eight hundred men. On the 12th of January, 1818, General Jackson informed the Secretary of War that he had appealed to the patriotism of Tennessee; had called for one thousand mounted volunteers; and for this departure from orders was the House now called on to pass a bill which would be in the nature of an act of indemnity. The President himself, Mr. J. said, could not have called for those volunteers, because the laws giving such an authority had expired; of course, he could not vest such a power in General Jackson. Mr. J. argued, therefore, that these volunteers had been called into service without any legal power in the General to do so; and he asked, if the House, because pathetically appealed to in the name and for the relief of the poor suffering soldier, would, by the passage of the bill before them, sanction this violation of authority? There were eight hundred regular troops; General Gaines had brought into the field one thousand eight hundred Indians and Georgians; and General Jackson added one thousand Tennessee volunteers—and all this force to pursue a handful of fugitive Redsticks! But, had all this force been requisite—had the Tennessee troops been necessary, Mr. J. said he would never suffer a military officer to invade the rights of this

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House, where, and where only, the peace and security of the people rested. He asked whether these volunteers had been paid; and demanded to know what officer had a right to pay troops called into service without any authority from the Government? Ought not the President to have communicated the fact to this House, that such a force had been called into service without authority; but, before he could countermand them, had rendered service to their country—and then asked of Congress to compensate them? Such, he thought, would have been the proper course for the President to have pursued. Mr. J. said he would be always ready to pay a just debt, but he was unwilling to pay those who had violated the laws of their country. He would not pay these soldiers a single cent. Was it possible, he asked, that any portion of the people of this country, a reflecting, intelligent people, as they were, should not have inquired whether or not the commanding officer had a right to raise this force? He could not believe it. We are going on too rapidly, said Mr. J. Look whichever way we will, the public expenditures exceed the estimates; we are just now called on to supply a deficiency for the Navy; even the appropriations for the public buildings, a matter of expense susceptible of the most accurate estimate, are exceeded by about one hundred thousand dollars. Our embarrassments thicken upon us; already is this youthful nation brought, under these auspices, to this very singular situation, in a time of profound peace, either to borrow money or tax the people; and this in a time of prosperity, too, as we are told. The public expenses, Mr. J. said, were nearly as great as in the first year of the war; was this proper in a state of peace? What, he asked, was the good which had resulted from this great expedition, the losses in which the House was now called on to indemnify? They had been told that this vigorous expedition had done more than every thing else to procure for us the Floridas; but neither the vigor of the field nor of the Cabinet had yet been sufficient to accomplish that object. Mr. J. concluded by protesting against both the amendment and the bill.

Mr. CANNON again addressed the Committee. He said, the committee that reported the bill had not at all taken into view the conduct of General Jackson, as it was not thought necessarily connected with the question of paying for the losses that had been sustained on this campaign, nor had they attempted to express an opinion on any part of his conduct. He said he had, himself, intended that it should be left entirely out of view, nor would he go into a discussion on that subject. However, he said, notwithstanding he was aware that the proper question before the Committee was on the amendment offered by his colleague, and of course it was out of order to discuss the merits of the bill, yet he hoped he would be permitted to make one or two remarks in reply to his friend from Virginia, (Mr. JOHNSON.) These persons, he said, for whom we ask remuneration, have been in the service of our country; they have encountered every privation, suffering, and danger, that could be encountered by any men. All this, he

said, they expected when they entered the service, no doubt; but they also expected, and had a right to expect, that forage was to be furnished for their horses, as well as rations for themselves; they are not even accused of having acted in any way incorrectly; they had obeyed the call of an officer of the Government, in rallying around its standard, as well as his orders throughout the whole campaign; they had conformed to what they supposed to be the authority of the General Government; therefore, no blame could attach to them, even if it was admitted the commanding General had acted improperly. If he has done wrong, let him be called to account by the proper authority, and punished for it. But, he said, he hoped the gentleman would not visit the sins of General Jackson on the soldiers who had acted under him, (and were compelled to obey his commands,) by withholding from the innocent soldier a just remuneration for his losses. But, Mr. C. said, he had risen expressly to reply to an honorable gentleman, he believed from the State of New York, (Mr. STORRS;) that gentleman, he said, if he had understood him correctly, had stated that the sum of \$90,000 had already been appropriated to pay these troops forty cents per day for the use of their horses, while in service. He thought the gentleman must be under some mistake about this; that, if that sum was appropriated, it must have been intended to cover other claims that had originated in the late war with England, as well as those on the Seminole campaign.

[Mr. STORRS explained, by reading the letter of the Secretary of War to the chairman of the Committee of Ways and Means, confirming his statement.]

Mr. CANNON said that, notwithstanding the information which had been read by the gentleman from New York, he must suppose that the sum stated was not only appropriated to pay the forty cents per day for the use of horses in the Seminole campaign, but also to pay other claims of officers who had been engaged in the service during the late war with England, forty cents per day for the use of their horses; also, as he knew that many of those claims were yet unsettled; and he could not imagine that the sum of ninety thousand dollars could be set apart for that single purpose, as had been stated by the gentleman. He said, he was aware that the situation of the Treasury had some effect in producing opposition to this bill, but he hoped gentlemen would not, on that ground, decide against it. Others who had lost their property in the service of the country, under similar circumstances, had been paid. At the time that law passed, he had the honor of a seat in the House, and was in favor of the passage of the law, and believed it one amongst the best acts of that Congress; for he held the doctrine, that whomsoever does sacrifice his property in the defence of his country, or lose it in its service, in the manner pointed out in this bill, in consequence of a failure on the part of the Government to furnish the necessary forage, and without any fault or neglect on the part of the owner, ought to be paid the value of the property sacrificed or lost in conse-

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quence of such failure, no matter what may be the situation of the finances of the country, even if it was much worse than it is.

He said, he had no idea that the most patriotic part of the community should not only suffer every deprivation, encounter every hardship and danger, but also sacrifice their property too, and go unrewarded. Such a course would be enough to weaken the feelings of attachment (of even the greatest patriot and friend) to our Government. He said, whatever gentlemen might think of the conduct of the commanding officer on this campaign, he hoped they would not involve it with the question on the merits of the bill before the Committee, for he could not see that there was any connexion between them; the one applies to General Jackson, the other to soldiers who were under him. It was not his intention to touch at all the question that occupied so much of the time and talents of this House during the last session, nor could he, by any means, be driven into that discussion, on this bill, which he said was of a different nature, and rested on different ground altogether. He had, he said, only now asked the same measure of justice for these citizens, who have been in our service and sustained losses, that has been extended to others; this they had a right to expect, and he hoped it would be granted to them.

Mr. JONES, of Tennessee, entered at some length into an argument in the support of his amendment, and in reply to some of the reasons advanced against it; arguing to show the justice of the remuneration asked for, and that it would not be an extension of the principle heretofore acted on in similar losses, as contended by Mr. SMITH, of Maryland. As to the general question, the volunteers, he thought, had a right to presume that the call upon them was legal, and they acted properly in obeying the orders, right or wrong. He would not enter into an examination of General Jackson's conduct in calling on the volunteers; the soldiers had nothing to do with that inquiry, nor was the inquiry connected with the question before the Committee. The soldiers had done their duty faithfully, and had the same claim on the Government as if they had acted under the most correct orders, if they were not of that character, which he would not at this time inquire into.

Mr. McCox, of Virginia, observed, that, whether these troops got into the field legally, was one question; and whether they were to be remunerated for their losses, was another. In deciding on this subject, he should be governed by expediency alone. He had once been of opinion that it was proper to pay these claims; but subsequent reflection had changed that opinion, and the more he considered it the more he was convinced that the former law was unwise. If the Government was to pay the soldier for his horse, the soldier ought to refund what he had received of the Government to pay for the use and risk of the horse—at least, the Government ought to pay only the balance, after deducting the amount already given to him. Mr. McC. repeated that this law was impolitic. He was willing to alter the standing laws of the country, and make the allowance fifty or

even sixty cents per day for the use of the horses of volunteers or militia, if it was thought proper; but he would not consent to legislate in this way, first to pay a fair consideration for the risk and use of the horse, and then his whole value. It would be better, he said, to pay the full price of the horse, in the first instance, than to be subject to such claims.

Mr. REID, of Georgia, entered at some length into a view of the circumstances out of which these claims grew, to show that they were just and equitable. His distance from the reporter did not allow the advantage of hearing his remarks; but he was understood to agree that the conduct of the commanding General had nothing to do in settling this question; and that these claims were entitled to the same liberality as those which had been heretofore provided for. Though in favor of the bill, he was not in favor of the proposed amendment; because those cases of loss which arose from forced marches, &c., were of a nature incident to the state of war, the risk of which was contemplated and provided for in the original contract between the Government and the soldier.

Mr. JOHNSON, of Virginia, rose to remove from his previous remarks any misconception. He had not contended for insubordination, or advanced the opinion that it would have been right for these volunteers to demand of the commanding General his authority for calling them out, after they had got into the field. But these men were not soldiers; they were citizens of Tennessee voluntarily taking the field, and as such had a perfect right, before they entered the service, to demand of the General by what authority he called on them in this way. It was urged, as an argument in favor of the payment of these claims, that it would serve as an inducement to men to volunteer hereafter, and stimulate their ardor; but the gallant spirits of this nation, Mr. J. said, would never, on any proper occasion, feel their ardor damped because the payment of these claims on the public purse were refused. The example of a military officer acting without authority—raising an army without the consent of the nation—this was the kind of ardor which he wished to damp. Mr. J. said he would go as far as any man in paying a just debt; he would mortgage the whole property of the nation to preserve its faith; but he would never consent to tax this people for the purpose of paying a debt contracted by violating the laws of the land.

A motion was made for the Committee to rise, but was negatived by a vote of 75 to 54.

The question on the amendment proposed by Mr. JONES was also lost without a division.

Mr. RHEA, of Tennessee, then proposed an amendment, the object of which was to embrace cases arising out of the late Creek war, and which have not been heretofore settled.

This motion, also, was negatived.

The Committee then rose, and reported the bill.

Mr. STORRS moved to postpone it indefinitely.

Mr. COBB, of Georgia, opposed the postponement, on the ground that there were cases of losses arising under the Seminole war, which ought to

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be provided for, even though others were not. He referred to the cases of wagons impressed into the service to transport the baggage and provisions of the Georgia detachments of militia. Having proceeded into the interior of the country, the roads became so impassable that they could not return, and were compelled to abandon and lose their property. He hoped the gentleman would withdraw his motion, in order to try this provision, at least, of the bill.

Mr. STORRS declined withdrawing his motion. His object was to reject the bill. Already the law of 1816 was brought up as a precedent. If it was a bad precedent, as he believed it to be, the rejection of this bill would serve to abolish it. With respect to precedents, he went on to say, motives might actuate one Congress in passing a law which would not operate on another Congress. He did not mean to allude now to the motives which induced the passage of the act which had been referred to; but he asked gentlemen to look over the list of warrants issued under that law. They would there find that hundreds of thousands of dollars had been paid for lost horses and equipments, &c., and, if the act had not fortunately expired, he had no doubt the Government would have had to pay as much more. The bill now before the House, moreover, applied not only to cases of horses lost or dying during the war, but to cases arising out of it; and the bill was to continue in force for two years from its passage—so that, for any horse used in the Seminole war, dying at any time before the expiration of that term, his owner might put in a claim for his value, if he could but persuade himself or others that his death arose out of that war. The bill, indeed, was full of defects. But, for the purpose of testing the sense of the House on the principle, he had moved the indefinite postponement of the bill; and he must persist in his motion.

Mr. COBB said, that an objection to one provision of the bill could constitute no good argument against another provision of the bill, acknowledged to be just. He, therefore, hoped the bill would not be postponed, but that it would be amended, and passed, &c.

At this stage of the business, the House adjourned until to-morrow.

WEDNESDAY, December 22.

Another member, to wit: from Pennsylvania, ROBERT PHILSON, appeared, produced his credentials, was qualified, and took his seat.

Mr. SMITH, of Maryland, presented a petition of sundry inhabitants of the State of Maryland, respectively praying that further aid and encouragement may be extended to the manufacturing interest of the country.—Referred to the Committee on Manufactures.

Mr. MEIGS presented a petition of Jacob Schieffelin and Henry H. Schieffelin, druggists, of the city of New York, stating that, during the existence of the embargo laid in 1807, they were permitted by the Government of the United States to import from the British dominions, in the West

Indies, goods to the amount of the debts due them; that the said goods were captured on the passage by a British cruiser, and condemned by an inferior admiralty court, which sentence was reversed by the high court of admiralty, in England; but, that such had been the delay, that, before they were enabled to draw the proceeds of the said goods, the late war commenced; upon which, the said proceeds were sequestered by the British Government, and are still withheld from them; and praying relief from the Government of the United States.—Referred to the Secretary of State, with direction to report to this House what measures have been taken, if any, to obtain redress from the British Government in the case of these petitioners.

Mr. ABBOT presented a petition of Rebecca C. Appling, sister and legal representative of the late Colonel Daniel Appling, of the Army of the United States, stating that the said Colonel Appling conquered and captured a superior British force, with several gun-boats, barges, and their equipments, which, if captured by a naval force, would have been subject to condemnation as lawful prize, and praying that the value of the same may now be distributed to her and the officers and men under the command of the said Colonel Appling.—Referred to the Committee on Military Affairs.

On motion of Mr. SMITH, of North Carolina, the Doorkeeper of the House was directed to dispose of the furniture used by the House in the building where it lately sat, not wanted for the present chamber, and place the proceeds in the contingent fund of the House.

Mr. SMYTH, of Virginia, submitted the following resolution:

Resolved, That the Secretary of War be instructed to cause to be prepared and laid before this House, at the next session of Congress, a system of martial law, and a system of field service and police, for the government of the Army of the United States.

Mr. S. stated that this motion was made by the unanimous request of the Military Committee; and, explanatory of the motives which dictated the proposition, Mr. S. took a brief view of the defects of the existing military code of the country, and of some of the benefits likely to result from a revision and amendment of it. The resolution was agreed to.

The engrossed joint resolution, directing a distribution of copies of the journals of the convention, &c., to those members of the present Congress not embraced by the former resolution, was read the third time, and, on motion of Mr. WHITMAN, referred to a select committee.

The engrossed bill for the relief of William McDonald, administrator of his brother James, was read the third time and passed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Matthew Barrow," and "An act providing for the accommodation of the circuit court for the District of Columbia, in the county of Washington;" in which bills they ask the concurrence of this House.

The said bills were severally read twice, and the first thereof referred to the Committee of

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Claims, and the second to the Committee for the District of Columbia.

BOUNTY LAND TO MINORS.

Mr. WALKER, of North Carolina, offered the following resolution:

Resolved, That it is expedient to provide by law that all minors who enlisted in the Army of the United States, in the late war with Great Britain, and who continued in service until peace was concluded, and were discharged as minors, be allowed a bounty of land, as a compensation, that is reasonable and adequate to their service.

Mr. TAYLOR, of New York, objected to this resolution, because, instead of proposing, in the usual mode, to inquire into the expediency of allowing the bounty, it was a motion to declare at once that such a bounty is expedient. For such a declaration he was not prepared, because he did not believe that such further provision for the persons in question was expedient. They had, by the grace and charity of the Government, been placed on the same footing as other soldiers, and he saw no reason to extend further bounty to them. He was generally in favor of, or at least willing to assent to, inquiry; but, unless presented to the House in that shape, he must vote against this proposition.

Mr. WALKER modified his motion so as to direct the Military Committee to inquire into the expediency of the object.

Mr. STROTHER moved to lay the resolution on the table; which motion, after some conversation on the subject, was lost.

The question was then taken on agreeing to the resolution, and decided in the negative—yeas 57, nays 70.

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The House then resumed the consideration of the bill to provide for the payment for horses or other property lost, captured, or destroyed during the Seminole war.

The motion for indefinite postponement being under consideration—

Mr. GROSS, of New York, opposed the motion. He thought the bill an equitable one, and deemed it unworthy of the dignity of the House to get rid of it by a question of postponement. The amount paid for the daily hire of the horses, to their owners, did not release the Government from responsibility for their loss, by unavoidable accidents, or the negligence of the agents of the Government in supplying them with forage. If the price thus given for the use of the horse was too high, it was not now the time to discuss that point; it was the price fixed by law. If the present state of the Treasury operated on gentlemen to oppose this bill, they ought to come directly to the point, and say so; but such an argument would not weigh with him. As to the legality of the orders by which these men were called into service, it had never entered into the heads of these generous men that they were serving without authority; their sole object had been the service of their country, and they never thought of inquiring by what authority they performed it. The President of the

United States had never complained of the commanding General's exceeding his authority in the exercise of his discretionary power to defend the frontier against invasion; and Mr. G. saw no reason for introducing that question into the discussion on this bill.

Mr. RANDOLPH, of Virginia, rose, not, he said, with the intention of engaging in the examination of the great principles already touched on by other gentlemen, and essentially connected with this bill, but to state that, before he gave his vote, he must have information on one point, on which he was now left to conjecture. It was this: the Government of the United States, having left a high military officer in command of the Southern frontier, with power, if necessary, to call on the Executives of adjacent States for quotas of militia, that officer proceeds to levy an army himself. The force thus raised must have been officered. The officers must have held commissions. Mr. R. said he wished to know under whom they held them—by virtue of the authority of the President of the United States, or of the individual who summoned them to the field? Until the House received this information, he was not prepared to act on this bill in any shape.

Mr. CANNON said he did not know that he could give his friend from Virginia (Mr. RANDOLPH) the information he required to enable him to vote for the bill before the House. He (Mr. R.) had stated that, before he could vote for this bill, he wanted to know from whence these officers held their commissions. Mr. C. said, although he could not give this information, he could state to him what had taken place in that country on a former occasion, somewhat similar perhaps to this. He knew that the citizens of Tennessee, during the late war with England, on receiving the intelligence of the massacre at Fort Mims, had on that occasion rushed into the service of the country without receiving any orders, either from the Governor of the State, General Jackson, or any body else. The regiment, he said, he had the honor to command, on the first campaign in the Creek nation, was entirely of this description; they had, from the strong impulse of patriotic feeling that was excited by this horrid scene, organized themselves into companies, and each man equipped and furnished himself to go to Fort St. Stephens at his own expense; but, about the time of marching, were advised by the Governor of the State to repair to Huntsville, the people of which place had become alarmed in consequence of information they had received of a threatened invasion of that place. The volunteers immediately repaired to it, from whence they proceeded into the Indian country, where, after placing themselves under the command of General Jackson, they were organized into a regiment, known as the Regiment of Volunteer Mounted Riflemen; the field officers of which were elected by the officers of the different companies. And in this situation, he said, they continued in the service three months, and fought the two first battles in the Creek nation at Tallassee and Talledega. He said that during this whole tour in the service of the United States, he

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himself never had any commission, nor did he believe any officer belonging to his regiment had. Notwithstanding this, they had been recognised by the General Government, and paid as such, without the least hesitation. And he therefore presumed that the officers of the mounted volunteers had also acted without any commissions on the Seminole campaign. They had been called into the service by what they supposed to be legal authority; they knew that General Jackson was an officer of the Government, and, whether he acted correctly or incorrectly, they at least must have presumed that all was right, and that he had authority to call for their services; and they supposed, also, that their services were necessary to the defence of the country; and, without suspecting the legality of the proceeding, or inquiring for the authority of the General, they again rallied around the standard of our country, have supported it with their usual bravery, and have encountered as many hardships and privations as have been known on any former campaign; and it would seem to him that they were equally entitled to remuneration for their losses.

Mr. C. said he was aware that the information which had been given to the House on yesterday, by the gentleman from New York, (Mr. STORRS,) respecting the appropriation of ninety thousand dollars, to pay these mounted men for the use of their horses, was calculated to make a strong impression, and excite a prejudice against the passage of the bill. However, he said, if the gentleman would attend to the act of Congress making the appropriation, he must see that this appropriation was not made exclusively to pay the mounted volunteers for the use of their horses; for the law making the appropriation says, "for the expenses of the mounted volunteers, ninety thousand dollars," which law Mr. C. read to the House. From the law itself, he said, he thought it would be seen that the appropriation was not intended for this particular part of the expenses, but was intended for the whole expenses; at least there was no expression in the law that had at all specified that part of the expenses of the mounted volunteers, as had been contended, for the whole amount was appropriated. However, he said, he had only contended that it was to cover something more than to pay them forty cents per day for the use of their horses, and that, after the views that had been given to the House yesterday, by the gentleman from New York, on this point, he had taken some pains to ascertain the fact; that he had that morning addressed a note to the Paymaster General on the subject, and the answer was, that the appropriation was made to cover other claims, that remained unpaid, that had accrued during the late war with England, as well as the volunteer mounted men on the Seminole campaign. This, he said, was a further confirmation of the correctness of the statement he had made, if any thing besides the law itself had been necessary to show it. He said he knew himself that there were many claims for pay, for the use of horses, that had originated in the late war between this country and England, that remained yet unpaid: he

had himself received a great number of them since the meeting of the present Congress, which are only just now forwarded to the proper department for settlement; and it was the knowledge of this fact that made him suppose that the appropriation that had been alluded to was intended to cover something more than barely to pay the mounted volunteers on the Seminole campaign for the use of their horses. In this opinion, he said, he was borne out by the expression of the law itself; and if in it he was wrong, it seems that the Paymaster General must have been mistaken also, which he did not think at all probable. But, he said, the gentleman from New York, when he made the motion to postpone the bill indefinitely, seemed to found his objection on the phraseology of a particular part of the bill. Mr. C. said he could not believe that the House would think this a sufficient ground to reject the bill, (for such was the effect of the motion if it was carried,) for, he said, he would agree to have the words the gentleman objected to stricken out, rather than the bill should be lost; for he did not think them of much importance any way. However, he saw no necessity for striking them out of the bill, as he did not apprehend that too great latitude would be given in its construction as it now stood.

The gentleman from New York (Mr. STORRS) had called the former law passed on this subject a gratuity on the part of the Government, and contended that there was no obligation on the part of the Government to pay for such losses. On this point, Mr. C. said, he held quite a different doctrine; he contended that there was an obligation on the Government; that there was an implied contract between the Government and the individual entering its service; each had something to perform, and either party failing to fulfil its obligation, was responsible to the other for the injury or loss sustained in consequence of such failure. He said he did not profess to be a lawyer, but in this position he believed he was borne out by the decisions of the common courts of our country; and he thought the principle a correct one: and where mounted troops were received into the service, it was as much the duty of the Government to furnish forage for the horse as rations for the rider. This he viewed as an obligation implied on the part of the Government; therefore, any losses that may accrue to any individual, thus entering its service, in consequence of such a failure, ought to be sustained by the Government itself, and not the individual, (in all cases where it had happened without any fault or neglect on his part.) Gentlemen, he said, talked about remuneration for losses sustained in this way being an act of liberality on the part of the Government. Sir, said he, I do not ask it as an act of liberality: I ask it for these people as an act of strict justice. He held the opinion, that, if it was not already, it ought to be, a fixed and permanent principle in the laws of our Government, that any individual who shall make a sacrifice of his property, or lose it in this way, in defence of the country, should be remunerated. It was too much, he said, to expect of any person to encounter the fatigue and hardship that these

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people had encountered, and then compel them, besides, to bear the loss of all the property they had on earth; for, he had no doubt, that was in fact the situation of some, or would be in the event this bill was rejected. The horse they rode, and equipage for the service, was, no doubt, in many cases, their whole property. And are gentlemen prepared to adopt the principle, that a man shall deprive himself of all comfort, encounter every fatigue and hardship, in the service of his country, after losing his horse, wade and plunge through the lakes and swamps of Florida, hundreds of miles, at the risk of his life or the destruction of his constitution, and add to this calamity of the patriot the loss of every thing he had on earth? However little it may be, it is his all, and is equally as interesting to him as though he had thousands.

He put it, he said, to the gentleman from New York, as well as the gentleman from Virginia, to reflect a little, and think how they would feel, in case they themselves were in that situation, and had lost every thing they were in possession of, as to property, in defence of their country, and that same country was to refuse to make them any remuneration. Sir, said Mr. C., the situation of our Treasury is no obstacle in my way; the deficit of five millions is not a sufficient argument against the just claim of these people for remuneration for their losses. If the deficit was even greater than it is, it would not influence my decision on this subject; for I would, as I have said before, lay taxes on the people of the United States, if it were necessary, to pay them; and more, sir, I would even tax a single State, rather than see the burden entirely fall on these patriotic individuals, who are the least of all others able to bear it. Mr. C. repeated that he would not be drawn into the discussion of the conduct of General Jackson; he took occasion, however, to say, that he was not an advocate for his conduct; but the conduct of that officer, whether legal or illegal, had no relation to the question before the House. If General Jackson, or even the President of the United States, had violated any trust that had been reposed in them, when the fact was ascertained, he was willing to go as far as any member of the House to have the proper punishment inflicted; but, in this he would be strictly governed by the provisions of the Constitution. If any gentleman should think that any officer of the Government, whether in the Cabinet or field, has done wrong, respecting the Seminole campaign, let them call them to account in a proper way; go at the officer who has thus acted, promptly and fairly, but do not let the whole misfortune fall on the innocent and unfortunate soldier, (who is bound by your laws to obey whomsoever you think proper to place over him,) by withholding from him just remuneration for his losses. It is only asked, that you will extend in this case to a few sufferers the same justice that you have heretofore extended to hundreds, perhaps thousands, who have sustained losses in a similar way. If you withhold it, you will not only be guilty of injustice between citizen and citizen, but also, in many instances, between brother and brother, as will in fact be the case: one has

been in service and been paid for his losses, while another, having sustained losses in the same way could be refused. And it certainly is a good principle in any Government, not only to do justice, but to extend equal justice to all who have claims of the same nature. This is the object of the bill before the House, and he thought it was sufficiently guarded to prevent any frauds from being practised on the Government. If such things were attempted, they would be detected by that vigilant officer whose duty it will be to act under the provisions of the law, in settling these claims. Therefore he hoped the motion to postpone the bill indefinitely would not succeed.

Mr. STORRS said, that, according to the estimate on which this appropriation of \$90,000 was founded, the money was to pay for the mounted volunteers in the Seminole war. If, indeed, as the gentleman from Tennessee seemed to think, the money appropriated for that purpose had been otherwise applied, it would be better to give up at once the power of this House over the disbursements of public moneys, and appropriate a gross sum annually for military purposes, and leave the disposition of the whole to the discretion of the War Department. If this misapplication of appropriated moneys had taken place, he had no hesitation in saying it would have been a trick and a fraud practised on the House. Where money is appropriated for a specific object, under the estimate of the Head of any Department, it was not for that Department afterwards to tell this House that they wanted it for a purpose different from that for which it was actually appropriated. Appropriations must be applied strictly to their objects. Depart from this principle, and there was an end to all utility in appropriation. Recurring to the bill before the House, Mr. S. said he objected to all general provisions for paying claims. It would be recollected that Congress had found it necessary promptly to interpose for the purpose of checking disbursements under the claims law which was attempted to be made a precedent for this bill. You pass a law, said Mr. S., containing general provisions for paying a certain description of claims, and the execution of this law is intrusted to some subordinate officer of the Government, who may take it into his head to consider our intention to have been different from what it appears to be, as from the statement of the gentleman from Tennessee, it appears the Paymaster General did about the appropriation for paying for the use of the horses employed in the Seminole war. These things will happen; and the only security we have against such misapprehensions, is, to legislate for particular cases as they arise. Mr. S. would not now, he said, enter into the general question of the legality of the orders by which these volunteers were called into service; but he would state, for the satisfaction of gentlemen, that the House might expect a report on this subject, at a future day, from a committee of which he had the honor to be the chairman. But there was one thing, he said, which he knew not how he could ever understand, and on which the House would probably be left in the dark. There were officers engaged in that expe-

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dition who were not known to the law at all—such as commissaries, assistant inspector generals, adjutant generals, and one major general. As for the Indians, he was at a loss to comprehend how or where they got their grades of office. Being an independent nation, possibly they derived their rank from the council of their own nation, for there was certainly nothing in our laws to authorize the appointment of Indian officers. He hoped the bill would be indefinitely postponed. Should this motion prevail, he pledged himself, so far as he was concerned, to give a fair consideration to cases, coming singly before the House, of such claims as would be embraced by the bill if passed into a law.

MR. JOHNSON, of Virginia, said he had not intended again to trouble the House on this question. Some remarks, however, from an honorable gentleman from New York, (Mr. GROSS,) deserved notice. That honorable gentleman had been pleased to say that it was unworthy the dignity of this House to get rid of this question in this way. Mr. J. said he did not precisely understand the gentleman; he did not know what he meant by the dignity of this House. Was it unworthy the dignity of this House to get rid of an unjust claim—a claim preferred by individuals who have violated the laws of their country, and violated the laws of nations, too? If this be undignified in *his* opinion, said Mr. J., I shall not ask the worthy gentleman from New York to permit his standard of dignity to square *my* actions. I consider the dignity of this House essentially dependent on a due observance of the Constitution of the country, and of the laws of nations; and shall we be told that we prostrate that dignity when we ask of those who claim of us by what authority they claim? This argument may have weight with the gentleman from New York, but it is worse than dust in the balance with those who weigh their honor and dignity in the same scales as I do. Neither would the poverty of the Treasury, I hope, induce any gentleman to reject a claim presented to us, were that claim founded in justice.

The same gentleman has told the House, said Mr. J., that the *President* had made no complaint that the General had violated his orders; and intimated that until the President complained we ought to take it for granted, although the letter and the record to the contrary are both before us, that he did not. I, said Mr. J., take nothing for granted which is capable of demonstration, until the test has been applied. Look at the order given to this commander-in-chief, and let us examine for ourselves whether he conformed to his orders. Mr. J. then quoted the letter from the War Department to General Jackson, directing him to repair to the frontier and take command of the forces assembled there, and, if he considered an additional force necessary, authorizing him "to call on the Executives of the adjoining States for detachments of the militia" &c. That, he said, was the order; and he asked whether the President of the United States could have given General Jackson any other orders? Could the President himself have accepted the service of volunteers? If he had so done,

the President of the United States, like the commander-in-chief of the Southern division, would have violated the laws of the country. The several laws passed during the late war with Great Britain, authorizing the President to accept the service of volunteers, had at that time either expired, or been repealed at the close of the war, in 1815. The President, Mr. J. said, could confer on military officers no higher power than he himself possessed. During the late war with Great Britain, Congress thought it proper to pass a law to authorize the President to accept the services of volunteers, because the Constitution had prescribed the mode in which armies should be raised and officered. It is this charter, said Mr. J., which breathes into the President—into every officer of the Government—all the power he can legally or rightfully exercise; and it has made it necessary that all armies, of every description, shall be raised by authority of this House. Such laws having been passed when they were necessary, they were repealed when the representatives of the people saw that there was no longer any occasion for a force of this description. When we were at peace with all the world, said Mr. J., it was not even dreamed of, that, to chastise a petty Indian tribe, and a few runaway negroes, it would be necessary for an additional army to be raised. No, Mr. J. said, it was expected that the *militia* should be called out, if necessary, who were always ready, when called upon, to march in defence of the country. He contended, therefore, that this force of two thousand five hundred men—one thousand five hundred Indians and one thousand mounted gunmen—had been raised, not only without any authority, but directly against the law of the country; and that these persons had no claim on the United States, even for the payment of their wages, much less for payment for contingent losses.

Mr. J. said he had adverted to the state of the Treasury, not, as the gentleman from New York seemed to suppose, to get rid of a just debt. Far from it. He would mortgage the soil, he would tax the people as long as they could bear taxes, to pay the just debts of the nation. He had adverted to the state of the Treasury to show the important fact that our receipts were already less than our expenditures; and that it was by the great increase of our expenditures, and allowing the Executive officers to expend money without previous authority, that this state of things had been produced. The President, said Mr. J., directs an officer to call militia into service; the officer calls into service a different force, of mounted gunmen, and you are then told you will prostrate your dignity unless you pay all that is demanded of you! I would not permit any individual, from the President of the United States downwards, to transcend appropriations by a single cent. The President is bound to see the laws executed, and he ought not to permit them to be transcended. Look through all the roll of public officers, you can find scarcely one who has not exceeded the appropriations made by law in his expenditures. You appoint a Commissioner of Public Buildings, to buy bricks and lime, and to hire bricklayers and carpenters—to do what is a

matter of calculation—and even he feels himself justified to exceed your appropriations by ninety or an hundred thousand dollars. The expenses for the Navy this year have exceeded the appropriation by five hundred thousand dollars. What is the excess of the Military expenditure, we do not know. I ask, said Mr. J., if it be not time to arrest this progress—this fearful and dangerous progress—to ruin? The moment the officers of the Government should by precedent, by the acquiescence of Congress, be permitted to prescribe the rule of their own action, and disregard the rule prescribed for them, the nation would indeed be going headlong to ruin.

One word only in reply to the gentleman from Tennessee, who had asked why a distinction should be made—why Congress should pay that portion of our citizens who had volunteered their services during the British war, and should refuse to pay those who had served during the Seminole campaign. Could the gentleman, Mr. J. said, have reflected a moment, and not have anticipated the answer? The one was a Constitutional war, declared by Congress—neither made by the President of the United States, nor by any officer subordinate to him. The call for volunteers in that war was made under an existing law, passed by Congress, authorizing the acceptance of the services of volunteers. For services rendered by such volunteers, Congress were bound to pay and indemnify them for losses where they were of such a character, as, by right, and the usages of war, the nation ought to have compensated. In the other case, the volunteers had gone into service without authority, and had no claim, either on the justice or liberality of Congress. His wish was to discourage such proceedings hereafter; and, if the rejection of this claim was calculated to prevent any commanding officer from hereafter raising armies on his own responsibility, the result would be a most happy one for the country.

Mr. RHEA, of Tennessee, after noticing the object of the present bill, and briefly stating the objections to it, said that these objections could, in his opinion, be removed. On the 26th December, 1817, said he, the Secretary of War issued orders to General Jackson to repair, with as little delay as practicable, to Fort Scott, and assume the immediate command of the forces in that quarter of the Southern division; that the increasing display of hostile intentions by the Seminole Indians, may render it necessary to concentrate all the contiguous disposable force of his division in that quarter; that the regular force there was about eight hundred strong, and that one thousand militia of the State of Georgia were called into service; that General Gaines estimated the strength of the Indians at twenty-seven hundred; and states, "should you be of opinion that our numbers are too small to beat the enemy, you will call on the Executives of the adjacent States for such an additional militia force as you may deem requisite;" and, after noticing several orders to General Gaines, concludes his letter by stating, "with this view you may be prepared to concentrate your force, and to adopt the necessary measures to terminate a contest

which it has been the desire of the President, from considerations of humanity, to avoid, but which is now made necessary by their settled hostilities."

These orders placed General Jackson in a state of great responsibility, and complete power adequate thereto was vested in him. On the 11th of January, 1818, General Jackson received these orders, which were imperative and urgent. The state of affairs in the Southern country required immediate action. At that time Major Muhlensburg, who had attempted, with the regular force under his command, to ascend the Appalachicola river, immediately after the massacre of Lieut. Scott and his party, was, with his troops, in danger of being destroyed by a superior force of the enemy, and the people, on the Southern frontier, were liable to the horrors of murder and devastation. At that time the Governor of Tennessee was at Knoxville, two hundred miles distant from Nashville. What was the Governor to do; how was he to act? Was he to send to the Governor of Tennessee, desiring him to order the requisite number of militia to be raised? In this event a letter, liable to accidents, must travel two hundred miles, and the answer two hundred miles, before the General would be informed of the measure adopted by the Governor to embody the men; and he would be obliged afterwards to wait until the number was raised, in conformity with the militia laws of Tennessee. Will it be said that General Jackson, in the situation he was in, and knowing the military spirit, patriotism, and activity of the officers and privates of the Tennessee militia, as he did, ought to have so delayed? No. The safety of the people forbade it. He did that which was right, and it was his duty to do. On the day he received the orders, he appealed to the patriotism of the people of Tennessee. He addressed a circular to certain officers of the militia, informing them of the state of things in the Southern country; that "the aid of one thousand mounted gunmen, completely armed and equipped, and to serve during the campaign, is asked of West Tennessee. Can you raise them, and be ready for the field in ten days? An answer is expected in five days, and it is anticipated that the number required is now ready." And he informed them that the grade of the officers was to be determined by themselves, or the platoon officers of the regiment; and the officers raising companies were to command them; and requested the officers, and all such as could raise a company, to meet him at Nashville on the 9th of that month.

On the same 11th of January, 1818, the General addressed a letter to the Governor of Tennessee, then at Knoxville, stating to him that he had received orders that day from the President of the United States to repair to Fort Scott, Georgia, with instructions to call on the Governors of the neighboring States for such additional militia force as may be deemed necessary to co-operate with all the disposable regular force of the Southern division, against the Seminoles; that he had addressed a circular to several of the brave officers who served with him during the Creek campaign; that a timely address to the patriotism of our citizens

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would enable him to effect, by volunteer enlistments, what would otherwise have to be done by draught; that he had called for one thousand mounted men; and, if the appeal did prove inefficacious, that he would embrace the earliest opportunity of making the requisition on him for a like number of draughted militia.

On the 12th of January, 1818, he addressed a letter to the Secretary at War, acknowledging the receipt of his orders of the 26th of December; that he had noted the contents, and would promptly attend to them; and stating that he had deemed it prudent and advisable to call from the west end of Tennessee for one thousand volunteer gun-men, to serve during the campaign; that with this force, in conjunction with the regular troops, he could act promptly, and, with the smiles of heaven, successfully, against any force that could be concentrated by the Seminoles and their auxiliaries. He stated the reasons inducing him to call for these volunteers; that the effect of the appeal he had made would be known by the 19th of that month; that he had written to the Governor of Georgia to continue in the field the one thousand men required by General Gaines, and stated his reasons for doing so; and that he hoped to leave Nashville on the 22d of that month, for Fort Scott.

On the 19th of January, 1818, he addressed a letter to the Governor of Tennessee, informing him that on that day the officers had met him, and reported that two regiments of mounted gunmen would rendezvous at Fayetteville, on the 31st of that month, prepared and equipped for a tour of six months; and on the 20th of same month he wrote to the Secretary at War, from Nashville, stating that the officers had, on the preceding day, met him at that place, and given every assurance of their ability to assemble two regiments of mounted gunmen by the 31st of that month, at any designated point within the western part of that State; that he had ordered them to rendezvous at Fayetteville, and that he would leave Nashville on the 22d of that month, for Fort Scott. With this letter he inclosed copies of letters from Colonel Arbuckle and Major Muhlenburg, showing that the former must remain inactive, and that the latter was then in a dangerous situation.

On the 21st January, 1818, General Jackson issued orders to Colonel A. P. Hayne, Inspector General, to repair to Fayetteville on the 31st, and there muster and receive into the service of the United States, for six months, if not sooner discharged, two regiments of mounted volunteers, and to conduct them, by the most direct and practicable route, to Fort Scott. General Jackson set out from Nashville on the 22d of that month, for Fort Scott. Letters from Inspector General Hayne, of the 9th and 13th of February, 1818, to the Secretary at War, inform that the volunteers were mustered at Fayetteville, and had marched to the south bank of Tennessee river. These proceedings manifest the promptitude with which General Jackson executed the orders of the Executive; and he had reason to expect that his proceedings would be approved by the Executive of the United States and by the Governor of Tennessee. His proceedings

were approved by the Executive of the United States, as will appear by letters of the 28th January, of the 6th of February, and 7th of March, 1818, from the Secretary at War to him.

The Governor of Tennessee, in extracts of two letters, dated Murfreesborough, April 6th, 1818, to General Jackson, states that he had received his letter of the 11th January, at Knoxville, seat of government; that that letter and his letter of the 19th of January had reached him by the mail, and states, "your mode of raising those troops met my entire approbation, and I gave it my support, in aiding Captain Dunlap in raising a company of mounted volunteers, at Southwest Point, which, I have since learned, joined your army at Fort Gadsden." The citizens of Tennessee have, since the earliest times, been in the habit of voluntarily performing military duties, not only when they were part of the State of North Carolina, but also when under the government of the territory south of the river Ohio, and also since they have been the State of Tennessee.

In the years 1776, 1779, 1780, they were engaged in war with the Cherokee Indians, and were successful. In the year 1780, during the Revolutionary war, the British troops, aided by numerous bands of Tories, had overrun a great part of Georgia, of South and North Carolina. The British army, commanded by General Cornwallis, after the fatal battle of Camden, was advancing eastwardly, and the celebrated partisan officer Ferguson, with about twelve hundred British and Tories, had advanced near to the mountains on the east side; these things being heard on the west side of the mountains, a corps of about eight or nine hundred mounted volunteers, armed with rifles, assembled under their respective Colonels Campbell, Shelby, and Sevier; they crossed the mountains, and, being joined by some volunteers of South and North Carolina, pursued Ferguson and his troops, came up with and attacked him on King's Mountain, on the 7th of October, 1780, and gained a complete victory. Ferguson, with several hundred of his troops, fell in the battle; the residue taken prisoners. On the 30th November 1780, Congress passed a resolution, expressing the high sense entertained of the spirited and military conduct of Colonel Campbell, and the officers and privates of the militia under his command, displayed in the action.

Mr. R. said he could speak of the various military operations carried on against the hostile Indians, by volunteers under command of General Sevier, between the years 1784 and 1789, in which the Indians were defeated. Soon after the Treaty of Holston, in 1791, the Cherokees began another war, which continued some years; during which, the citizens of the then territory south of the river Ohio, were left to defend themselves; and they did defend themselves, and forced the Indians to be at rest for some time. Mr. R. said he need not speak of the military ardor and good conduct of the militia of Tennessee, under command of General Jackson, during the late Creek war, or of the thousands of them who were under his command in the defence of New Orleans, or of the thousands of them who were at Mobile, under General Win-

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chester. He said he spoke of these past events, to show that the citizens of Tennessee were more disposed to perform military duty voluntarily than otherwise. General Jackson knew their disposition and patriotism, and as he observed in his letter of the 19th January, 1818, had circumstances permitted, and time would have allowed, and the emergency demanded an appeal to the whole State, he had no doubt but five thousand men could have been raised. From what has been said on this subject, it evidently follows that General Jackson did not raise an army of his own.

The next point is, how were these volunteers officered? The constitution of Tennessee was made in February, 1796. It provides that the militia shall elect all officers under the grade of general officers; that the field officers shall elect their brigadier generals, and that the brigadier generals and field officers shall elect their major generals. Hence it follows, that the militia of Tennessee, when on military duty, are under command of officers of their own choice. General Jackson, in his circular to the militia officers, tells them that the grade of their officers was to be determined by themselves, or the platoon officers of the regiment, and the officers raising companies to command them. When these brave men met him at Nashville on the 19th of January, and requested him to appoint the officers, he promptly refused, and replied—"agree among yourselves as to your officers." He stated he would appoint Colonel Hayne to lead them to Fort Scott. The officers then agreed that Colonel R. H. Dyer should command the first, and Colonel T. Williamson the second regiment. The other field officers were then agreed on by the meeting. The General stated to them the number of officers on the peace establishment; the officers replied, that by experience they had found that horsemen required more officers than footmen. He then said to them, "organize yourselves in any way you think proper: it will rest with the Government." This, then, said Mr. R., appears to be the state of the case relative to these volunteer officers; that they, being officers of the militia, did agree upon and determine their respective commands in that brigade of volunteers. The letter of Colonel Hayne, dated near Fayetteville, 9th February, 1818, to the Secretary at War, further elucidates this subject. Not one officer in that brigade of volunteers was commissioned by General Jackson.

The Secretary at War, in his letter of the 8th of February, 1818, to General Jackson, acquaints him with the entire approbation of the President, of all the measures which he had adopted to terminate the war with the Indians; and then states, that "the honor of our Army, as well as the interest of our country, require that it should be terminated as speedily as possible; and the confidence reposed in your skill and promptitude, assures us that peace will be restored on such conditions as will make it honorable and permanent." These words convey, in the strongest language, ideas of the most powerful effect on the human mind. The same ideas are conveyed, although not in such explicit and strong terms, in the letter of the 26th

December, 1817. These words contain a command to General Jackson to terminate the war, and his skill and promptitude are relied on. These words contain an appeal to him for the honor of our Army, of which he then was, and now is, an officer of the highest grade. They contain an appeal to him as a patriot, for the interest of our country. He was commanded to terminate the war as speedily as practicable, and ample power was confided to him to terminate it. Suppose he had not exercised that power? He did exercise it. He could not terminate the war without additional force. He called for that additional force; it arose, it came voluntarily, in a manner instantaneously, composed of as brave men as ever faced danger. The war was terminated to the honor of our army and the interest of our country, without violating the Constitution of the United States, or the constitution of Tennessee.

The people of Tennessee have for many years been fighting for the honor and interest of our country; and, wherever they fought, they have been successful. Previous to the late Seminole war, they had put down all the contiguous hostile tribes of Indians, and were in peace, in safety, and out of danger. What but pure patriotism, could induce one thousand brave men voluntarily to rise and leave their comfortable homes, in the most inclement season of the year, to march hundreds of miles, encountering hunger, cold, and hardships of every kind, in swamps, morasses, and deserts, passing deep waters, and swimming rivers? They encountered these difficulties; they fought with a savage enemy—that enemy was subdued, and peace restored to our Southern frontiers. To the suffering of such privations, and enduring such hardships, and fighting with such an enemy, the consideration of pay was nothing to these volunteers; but they have the greatest reward, the approbation of the great majority, if not all, of the people of this nation; and they have the approbation of the President of the United States, and the voice of the people is with him.

I hope, said Mr. R., this bill will not be postponed, but that it will become a law; to the end, that the patriotic volunteers who accompanied General Jackson may be indemnified for their property lost in that war. He said, that, in the course of his observations, he had unavoidably been led to notice some of the exertions made to support the honor and safety of the United States by the people of Tennessee, one of whose Representatives he had the honor to be, and that he ever would rejoice in being the Representative of such people.

Mr. Gross, of New York, said, he had not given it as his opinion, that it does not become the dignity of the House to get rid of an unjust claim. If the claim was unjust, it would be better to meet a claim directly than to get rid of it in a sideway manner. But he could not conceive wherein was the injustice of this claim. Was it unjust, when citizens were in the service of their country, and lost their property by the neglect of its officers, that they should be compensated for the loss? Was this demand less just because they had magnanimously answered the call of General

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Jackson to follow him to the field in defence of their country, when he was certain of the approbation by the country of his conduct, and no objection to it was made by the only person whose authority could be supposed to be encroached upon? Had this person, the Governor of Tennessee, complained of Gen. Jackson's conduct? Had he shown any disapprobation of it, or made any remonstrance against this act of the General? No, sir, said Mr. G.; he, too, I presume, felt and acted from the same patriotic motives as these volunteers. When measures were taken to save his country, he did not stand upon his dignity. So far from it, that it appears, from every thing we see, that the Governor approved the whole conduct of General Jackson. But suppose the Governor had even found fault with it, does it appear, said Mr. G., that these generous Tennesseans had any other object in view than the public good? Is it just, then, in answer to these claims for losses sustained, to tell them, you acted under the authority and direction of a man who had not a strict legal right to call for your services? Notwithstanding I am as sensible as any one can be of my want of experience in these matters, I must confess, said Mr. G., I do not think it the proper course. As for the approbation which had been spoken of, it was nothing to the purpose in the present debate; it was not made for the purpose of paying for the loss of the horses, but for the use of them. Under the present laws, a volunteer losing his horse, gets nothing for him. If this was justice or equity, Mr. G. confessed he did not well understand them.

Mr. JONES said, when these mounted volunteers were called into service, it was on the condition of receiving a certain sum per month for their services, and a certain amount per day for the use of each horse; and the Government had further contracted to furnish the men with provisions and their horses with forage. From the failure in the latter particular, many of them lost their horses. Ought not the Government to compensate their loss? But, it was said, these men had been acting without authority from their country, and therefore ought not be paid. It would be well for us to remember, said Mr. J., that not only the President of the United States has recognised the legality of their service, but that Congress itself has passed a law to pay these men for their services. Had not Congress, Mr. J. asked, by so doing, sanctioned the employment of these men? He contended it had. With respect to the commissions issued to the officers commanding these volunteers, respecting which an inquiry had been made by the gentleman from Virginia, Mr. J. said he did not know that they had any, except the voice of those whom they commanded. He had himself, he said, had the honor to command a volunteer corps for three or four months, and he never had a commission. The Government recognised and paid him for his services, though without a commission; and they had in the same manner paid others doing the same labor—fighting the battles of their country. These men, he added, did not claim as a favor, but as a matter of right, the payment for their horses killed in battle or perished

for want of food. And, Mr. J. said, something was due, in acting on this subject, to good policy; which seemed to him to require that Congress should not disappoint that confidence which the soldier has that he will be paid by the Government for his services and losses. If this bill should not pass, the effect of the refusal might be expected to be found in the event of another war, if their services should be again wanting.

Mr. CANNON spoke to the point of the appropriation of \$90,000, said to have been appropriated for paying for the mounted men employed in the Seminole war. To satisfy himself on this subject, he had addressed a note to the Paymaster General, to which he had just received an answer, which he read to show that his first impressions on the subject were now confirmed. [This note gave direct but brief answers to several questions propounded by Mr. C., the most material of which was, whether a part of the \$90,000 in question had not been applied to the payment for the use of horses during the late war with England, which had not been previously paid for? To which the answer was, Yes.] If, Mr. C. said, the Secretary of War, or any one else, had deviated from the letter of the appropriation in this or any other case, he hoped the House would not visit his sins upon the citizen soldiers of the country. And further, without going into the question of legality of orders, or becoming the advocate of the Major General in respect to that campaign, he would say thus much: if that officer had acted incorrectly, let the punishment fall on him, and not on those who acted under him in a subordinate capacity. Mr. C. said he would go as far as any one, where an officer had, as was now contended, trampled on the liberties of the country, to punish him therefor, but, said he, we have no right to extend the punishment to those who ranged themselves under the officers whom you have appointed to command.

Mr. JOHNSON, of Virginia, said he did not rise to enter anew into the discussion of this subject, but to notice a remark of the gentleman from Tennessee, over the way. If any thing could go to show the danger of precedent in this Government, the case stated by the gentleman from Tennessee (Mr. JONES) would conclusively confirm it. To what, said Mr. J., are we referred? To the appropriation of last session for the pay of those persons engaged in the Seminole expedition. And I ask those members, who were members of the last Congress, to say what was the state of facts on this subject? Did we know at the time that three or four weeks were spent in the discussion of the question, arising out of the Seminole war, that General Jackson had, of his own authority, organized a volunteer force? No, sir; the President of the United States, or the Secretary of War, for reasons best known to themselves, did not transmit to Congress the document establishing that fact. It was just at the close of the session that, in a report made by a committee of the Senate, the document was first disclosed. We, said Mr. J., until that report was made, knew nothing either of the use of these volunteers, or of the order to

General Gaines to take possession of St. Augustine. This fact came out in consequence of an investigation by the Senate committee. Is, then, our appropriation, made in general terms, to be construed as sanctioning this abuse of authority? But the gentleman on my right (Mr. CANNON) says, if any sin has been committed by the President, or the military commander, we ought not to visit it on the heads of the soldiers. Mr. J. said he did not mean so to do; but to refuse them payment of a claim set up for having done that which they had no right to do. No commander could have raised these troops without their own consent; for it is vain to tell me, said Mr. J., that, if any portion of the people of this country should be called on to leave their homes to make a military excursion beyond the limits of the United States, they ought to set forth without first inquiring whether the laws of the country justify the expedition.

Mr. SMITH, of Maryland, said the question now seemed to be, whether the war carried on against the Seminole Indians was a legal war. If, by a legal war, gentlemen meant a war preceded by a declaration by Congress, it was not. But it was an authorized war, as being carried on against Indians. If he recollected right, there was an application from Georgia for the defence of the frontier. A Message on the subject was sent to Congress, and on the 19th of February, 1818, an appropriation was made to pay the Georgia militia. [Mr. JOHNSON said his objection to the legality of the war referred only to the use of volunteers without the authority of law.] Mr. S. resumed. In the session of 1817-'18, said he, we knew that a war existed between us and the Seminoles; that the war must be carried on; and, for carrying it on, we appropriated a sum of money. An order was given to General Jackson to proceed and to take command of the whole force; and a discretion was given to him, if the force supposed to be in service was not sufficient, to call for any detachments of militia which he might find necessary. Now, Mr. S. said, he wanted to know where was the difference between a draught of militia, and a call for volunteers from that very militia. The gentleman from Virginia had said that the volunteers, during the war with Great Britain, were authorized by law, and were then legal; but otherwise not legal. The volunteers authorized by law, during the British war, were for twelve months, and officered by the President of the United States, and not militia volunteers. The regular mode of draughting the militia, Mr. S. said, was to take, by lot, a sufficient number; but, if time did not permit this operation, volunteers were called for. Still, though volunteers, they were militia, to all intents and purposes, and not volunteer soldiers. At the time General Jackson received the orders which placed him in actual command of the forces operating against the Seminoles, he was not at the seat of government of Tennessee. Anxious to terminate the war as early as practicable, he called for volunteers; he informed the Governor of Tennessee that he had done so, and the Governor approved the act. It is a very common thing to take volunteers who offer themselves, instead of making

a draught from the militia. When Baltimore was in danger, the militia of the adjoining State of Pennsylvania were in an extraordinary situation. The militia law had ceased to exist, and not a man in the State had a valid commission. But they did not wait for law or for orders; they came to Baltimore in number 1,500. What did the commanding officer at Baltimore do? Did he turn them away? No; he took them into service; he desired them to choose their company officers, and that the latter should choose their field officers. It was done; and these men were paid for their services during the whole time they were so imbodyed. With regard to this bill, Mr. S. considered the law of 1816 as a complete precedent for it, and not an unjust one. When men go into service as mounted volunteers, they are taught to believe the Government will furnish them with forage, and if the Government does not furnish the forage, it is morally bound to pay for the losses sustained in consequence of such failure.

Mr. SMYTH, of Virginia, said that he had hoped never again to have occasion to speak in that House concerning the Seminole war; that he would not now say a word on the subject, were it not that it appeared to him to be misunderstood by some gentlemen who had addressed the House. When petitioners apply, said Mr. S., to this body, it is an admission, on their part, that the existing laws will not relieve them. A critical examination of what the law is, seems therefore unnecessary. The proper question to be considered here is, what does justice require to be done?

It has been said by some gentlemen that the horses, for which compensation is now claimed, were lost in an illegal war. That is a mistake. If gentlemen will examine the act, entitled "An act to increase the pay of the militia while in actual service, and for other purposes," passed on the 20th day of April, 1818, and which will be found at page 94 of the acts of that session, they will find that Congress declared the war. In that act it is declared that the widows and orphans of the militia called into service, or who may be called into said service, "in prosecuting said war" against the Seminole Indians, and die or be killed in service, shall have pensions. Here is an acknowledgment of the existing state of war between the United States and the Seminole Indians, and such a recognition is the only declaration of war necessary to be made by Congress in any case.

It has also been said that the troops employed were raised by the General himself, without any legal authority—his own army. If gentlemen will turn to page 100 of the acts of the same session of Congress, they will find this appropriation: "For expenses of mounted volunteers, ninety thousand dollars." This appropriation of money to pay a description of troops not previously authorized by any existing law—a force which consisted neither of regulars nor militia, as organized by law, was in itself an authority to employ the kind of troops described, to wit: "mounted volunteers." Congress could not mean, by this description, the militia, organized and officered by the States; but volunteers, organized and officered according to the

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usage of volunteers. That usage is for the men to assemble and elect their own officers, whose rank is recognised when they are received into the service. In this manner the volunteers who make this claim were raised, organized, and officered, and this mode of conferring rank was peculiarly proper in Tennessee, where, by the militia law of the State, the men elect their officers under a certain grade, and the higher grades are filled by an election made by the officers. Congress having authorized the employment of such irregular troops, it does not appear to have been important whether the call on the patriotism of the young men of the country was made by the President, by the Secretary of War, or by the commanding General. They were mustered into the service of the United States, and they did their duty. These are the material facts in the case.

Had militia been called for by the commanding General under the orders which have been read, the call would necessarily have been made on the Governor of Tennessee; but, as the act of Congress authorized the employment of "mounted volunteers," no call on the Governor seems to have been necessary. It was not necessary that they should procure his approbation before they tendered their services, nor was it necessary that the commanding General should procure his approbation before he accepted their offered services. But respect for the Governor induced the commanding General to inform him of the course pursued, which met his entire approbation.

The employment of mounted volunteers having been expressly authorized by law, and such troops having been employed in conformity to the law, the question which arises is—Whether it is just that they should receive compensation for horses lost in the service? Every mounted volunteer who lost his horse in the war with Great Britain received from the Government another horse in return; and, after having received such other horse, he was allowed forty cents per day for the use thereof. As the mounted volunteers who served in the Seminole war, and lost their horses, did not receive other horses in their stead, it seems to be just that they should receive the value of the horses lost. Justice is equal; and the same measure of justice should be rendered to the mounted volunteers who served in the Seminole war that was rendered to the mounted volunteers who served in the war with Great Britain.

Let not the claim of those highly meritorious men be prejudiced by any remarks that have been made on the conduct of the commanding General in that campaign. It is not General Jackson who makes the claim. He asks nothing of the Government. This application comes from the gallant men, who, at his call, flew to the defence of their country. Sir, we should cherish the sacred fire that burns in the breasts of the men of Tennessee. They stand distinguished in the foremost rank of the patriots and heroes of the United States.

Mr. STEVENS, of Connecticut, made a few observations against the indefinite postponement, preferring that the bill should take the usual course

of other bills. Amendments might be made to it which would make it acceptable even to those now opposed to it. The principles of the bill, it appears, had been established in former cases, in which compensation had been made. If these horses had been lost in consequence of the want of forage, it seemed to be as proper that their owners should be indemnified for the loss of their horses, as that others should receive pensions for bodily injuries incurred in the service.

The question on indefinite postponement of the bill was then taken, and decided in the negative—for the postponement 60, against it 94, as follows:

YEAS—Messrs. Adams, Alexander, Allen of Massachusetts, Ball, Bayly, Bufum, Burwell, Cobb, Crafts, Culbreth, Culpeper, Dowse, Edwards of North Carolina, Floyd, Folger, Ford, Forrest, Fuller, Hall of Delaware, Hall of North Carolina, Hardin, Johnson, Jones of Virginia, Kendall, Lathrop, Lincoln, Lowndes, Maclay, McCoy, Marchand, Mason, Meech, Mercer, Monell, Morton, Mosely, Neale, Nelson of Massachusetts, Parker of Virginia, Pindall, Plumer, Randolph, Rich, Robertson, Sampson, Sergeant, Sloum, B. Smith of Virginia, Smith of North Carolina, Storrs, Street, Strong of New York, Taylor, Terrell, Trimble, Tucker of Virginia, Upham, Whitman, Williams of North Carolina, and Wood—60.

NAYS—Messrs. Abbot, Allen of New York, Allen of Tennessee, Anderson, Archer, Baldwin, Barbour, Bateman, Beecher, Boden, Brown, Brush, Bryan, Campbell, Cannon, Case, Clagett, Clarke, Cocke, Crawford, Crowell, Cushman, Cuthbert, Darlington, Davidson, Dewitt, Dickinson, Earle, Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Fay, Fisher, Foot, Fullerton, Gross of New York, Gross of Pennsylvania, Hall of New York, Hazard, Hendricks, Herrick, Hibshman, Hill, Holmes, Hooks, Hostetter, Jones of Tennessee, Kent, Kinsley, Linn, Livermore, Lyman, McCreary, McLean of Kentucky, Meigs, R. Moore, S. Moore, Murray, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Patterson, Philson, Pinckney, Pitcher, Quarles, Rankin, Reed, Rhea, Richards, Richmond, Ringgold, Rogers, Ross, Russ, Settle, Shaw, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Stevens, Strong of Vermont, Strother, Tarr, Tomlinson, Tompkins, Tucker of South Carolina, Walker of North Carolina, Wallace, Wendover, and Williams of Virginia—94.

Mr. RHEA then moved an amendment to the bill; but, before acting on it, the House adjourned.

THURSDAY, December 23.

Mr. SILSBBE presented a petition of sundry manufacturers of leather, in the State of Massachusetts, praying that the duty on leather imported into the United States may be changed from an *ad valorem* to a specific duty.

Mr. ROGERS presented a petition of sundry inhabitants of the State of Pennsylvania, praying that further aid and encouragement may be extended to the manufacturing interest of the country.

Mr. McLEAN, of Kentucky, presented a similar petition, from sundry inhabitants of that State.—Referred to the Committee on Manufactures.

Mr. WHITMAN presented a petition of sundry inhabitants of Portland, in the District of Maine;

Mr. PINCKNEY presented the petition of sundry inhabitants of Charleston, in the State of South Carolina;

Respectively praying for the establishment of an uniform system of bankruptcy throughout the United States: which petitions were referred to the Committee of the Whole, to which is committed a bill for that purpose.

The Committee of the whole House were discharged from a farther consideration of the "bill for the relief of Thomas Carr, and others," and it was referred to the Committee on Private Land Claims.

On motion of Mr. COBB, the Committee on the District of Columbia were instructed to inquire into the expediency of passing a law authorizing and requiring the Levy Court for the county of Washington, in said District, to impose and collect a tax upon the citizens and taxable property in said county, sufficient for the purposes of building a courthouse and suitable offices attached thereto, for the accommodation of the various courts of said county, and the preservation of the records thereof.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire into the expediency of repealing so much of the act, entitled "An act to provide for the appointment of a surveyor of the public lands in the Territories of Illinois and Missouri," passed April 29, 1816, as authorizes the said surveyor to have the lands in the now State of Illinois surveyed according to the provisions of said recited act: and to inquire into the expediency of providing for the appointment of a separate surveyor of the public lands within said State.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act for the relief of Samuel Ward," and "An act for the relief of Eli Hart," in which bills they ask the concurrence of this House.

The said bills were severally read twice and referred; the first to the Committee on Pensions and Revolutionary Claims, the latter to the Committee of Claims.

Mr. SMITH, of Maryland, reported a bill supplementary to the act "to regulate and fix the compensation of clerks in the different offices," (to continue certain clerks in some of the offices,) which was twice read and committed.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Anthony Burk; which was twice read and committed.

Mr. ANDERSON from the same committee, reported a bill to authorize the Commissioner of the Land Office to remit the payment of certain instalments due on certain lots in Shawneetown, in the State of Illinois.—Twice read and committed.

Mr. HENDRICKS, of Indiana, offered for consideration the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of so amending the law of forfeiture that the actual settler and cultivator of the soil shall have a preference of re-entry after his lands shall have been forfeited to the

United States, and before they shall be exposed to public sale.

On the question to agree to this resolution, the House divided, without debate; and it was agreed to—yeas 64, nays 58.

On motion of Mr. FOOT, of Connecticut, after a few words from him and Mr. STORRS, respecting its object, the following resolve was adopted:

Resolved, That the Secretary of War be directed to lay before this House the rules and regulations established by the Commissioner, and adopted by the War Department, in relation to the execution of the "act to authorize the payment for property lost, captured or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the 9th of April, 1816; particularly in relation to horses lost.

Mr. HOLMES, of Massachusetts, after stating that on the 27th of March last, a resolve had passed this House, calling on one of the Departments for a statement of the moneys paid for extra services to the Attorney General of the United States, and for an account of the nature of those services; and that, on the 3d March last, a report had been made on the subject, and ordered to lie on the table—moved that this report be now referred to the committee on the expenditures of the State Department.—Agreed to.

The SPEAKER laid before the House a schedule of fees proper to be allowed and taxed to the officers of the district court of the United States for the district of Delaware, prepared and transmitted by the judge of said district, in obedience to a resolution of this House of the 22d of February last; which was referred to the Committee on the Judiciary.

The SPEAKER also laid before the House a letter from the Secretary of War, asking an appropriation for the salary of four additional clerks for that Department until the 20th of October next; which was referred to the Committee of Ways and Means.

The order of the day being called for, on the unfinished business of yesterday, viz., the bill to authorize the payment for horses or other property lost, captured, or destroyed, during the Seminole war—

Mr. FOOT moved that the further consideration thereof be postponed, with a view to the reception, before acting upon it, of the information contemplated by a resolution this day passed, on his motion.

This motion was opposed by Mr. STROTHER, of Virginia, and Mr. JONES, of Tennessee; but was determined in the affirmative—82 to 60. So the bill was for the present postponed.

NATIONAL UNIVERSITY.

Mr. HILL, of Massachusetts submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of establishing a National University within the District of Columbia; and that the committee have leave to report by bill or otherwise.

Mr. HILL said, in introducing his motion, that the adoption of this measure had been recommen-

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ded by each of our illustrious Presidents, and with a particular view, among other things, to perpetuate the Union, and form a national character. Whatever, therefore, had this tendency, he wanted to promote. Some gentlemen, said he, doubt the constitutionality of the project connected with internal improvement. Sir, this is the point at issue; and if there is not to be found a sufficient number in both Houses to pass the law, the way will be open to apply to the people, the fountain of power, to be vested with the authority. Other gentlemen will probably say, that there is no surplus money in the Treasury; and that this is not the time to introduce the subject; but I think differently. The resources of the United States are great, and the wealth of a nation consists in the industry and economy of its inhabitants. I think, therefore, we may not fear to make the experiment, and hope my motion will prevail.

The question being then taken on the adoption of the resolution, it was decided in the negative. So the proposition was rejected.

DISTRICT OF COLUMBIA.

The orders of the day, preceding this one, being postponed for the purpose, the House, on motion of Mr. COBB, resolved itself into a Committee of the Whole, (Mr. HILL in the chair,) on the bill to provide for the accommodation of the circuit court for the District of Columbia, by hiring a building for it to hold its sittings in.

To this bill, which had passed the Senate, the Committee on the District of Columbia this day reported two amendments; the one of which was to authorize the Marshal also to *furnish* the apartments to be provided for the use of the court, and the other to limit the duration of the bill to two years from the passing thereof.

Mr. CLAY (Speaker) said it was no doubt proper that a place should be provided in which the court should hold its sittings; but it was worth inquiry whether this accommodation ought to be provided at the public expense, or at that of the people of the county of Washington. He was indisposed, at least, to vote for this bill, until an examination was made whether the necessary accommodation could not be obtained in some one of the public buildings. In this splendid, this imperial city, said Mr. C., in which there are such extensive buildings belonging to the United States, are we to be at the further expense of eight hundred dollars per annum to provide a building for the Court of the District—a sum which would purchase the fee-simple of very many of the county courthouses in some of the States? Is it possible that no provision can be made for the sittings of the court, without renting for its use the house lately occupied by Congress? He trusted the honorable gentleman under whose auspices this bill was now called up, would favor the House with information whether, in the building occupied by the General Post Office, or some other public building, the requisite accommodation could not be obtained without this expenditure of public money.

Mr. COBB, of Georgia, said he had been as much

surprised as the gentleman from Kentucky (Mr. CLAY) could possibly have been, when he first understood that there was in the city no building appropriate for the sittings of the court. But such was the fact: they had hitherto made use of the apartment provided for the use of the Supreme Court; and, being deprived of that by a recent arrangement, unless some building was provided for the use of the court, whose session was to commence on Monday next, the returns of process to be made on that day would be necessarily void. With respect to the building to be selected, there was nothing in the bill which designated it, as might be supposed from the gentleman's allusion: on the contrary, that matter was to be left wholly to the discretion of the President. There were, Mr. C. said, many causes depending in the court, in which the United States were interested; and it was, therefore, important, apart from the particular interest of the people of the District, that the court should be duly held. He himself believed, he said, that this expense ought to be borne by the District; and, in consequence of that belief, had this morning submitted a resolution (which had been adopted by the House) to direct the proper committee to inquire into the expediency of forcing the county to lay taxes to build a courthouse, if they would not do it in any other way. The bill was proposed to be limited to two years; at the end of which time the committee supposed a permanent provision might be made by the county for holding the courts, &c.

Mr. LIVERMORE, of New Hampshire, made a few remarks not distinctly heard; but the purport of them was, that the county of Washington had no more right to expect the United States to pay the expense of holding its courts than any other county in any State in the Union.

Mr. CAMPBELL, of Ohio, asked whether there was nothing in the existing laws which would enable the proper authority to provide a place in which to hold the court?

Mr. COBB said he was not very conversant with the laws relating to this District; but, as he had before said, he had no doubt of the power of Congress to provide prospectively for this object, by passing a law, if they thought proper, to compel the levy court of the county to lay a tax for the purpose of building a courthouse.

After a few remarks from Mr. SOUTHARD, of New Jersey, the amendments to the bill proposed by the Committee for the District of Columbia were separately agreed to. [The one authorizes the Marshal to furnish as well as rent the necessary building; the other limits the duration of the bill to two years.]

The Committee then rose and reported the bill; which, being taken up in the House, and the question being put on concurring in the amendments, it was decided in the negative.

The question was then stated on ordering the bill to be read a third time.

Mr. STROTHER, of Virginia, expressed his regret that the indisposition of any other member to do it imposed on him the duty of objecting to this bill. On turning to the Constitution, and examining

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the relation of this District to the United States, he said he found nothing which required of Congress to defray those expenses which, in other parts of the Union, were borne by the people in their respective counties and districts. If we cast our eyes over this District, said Mr. S., we shall find the people as capable of erecting buildings for county purposes as any county in the United States. And with what countenance, he asked, would the people of the county in which the gentleman from Georgia resided, for example, come before Congress, and ask of it to build a courthouse for their accommodation? He should not be opposed to a bill authorizing them to rent, at their own expense, a suitable building, if such a law was necessary. But the people had no claim on the Treasury of the United States for any such purpose. They ought to look for such objects to their own resources. For his part, he would not consent to tax the people of the United States for the convenience of this little District of Columbia. Here, said he, you have all around you displayed the pride and splendor of wealth by the inhabitants of the District, and I will not, for one, consent to extract from the pockets of the hardy yeomanry of the country the means of supporting institutions intended exclusively for their use and benefit.

Mr. COBB said he had already explicitly stated his opinion that it ought to be made the duty of the people of the county to provide a courthouse for its own use. However much it was their duty now, they had not done it heretofore. But he would ask of gentlemen, he said, whether it was not the duty of Congress itself to see that this was done? How happens it, said he, that we, who have exclusive jurisdiction over this District, should have been so blind to our duty, and to its interest, that we have provided no way in which buildings for county purposes could be erected! He did not therefore see exactly how the proposition before the House could with propriety be made the foundation for the anathemas launched by the gentleman from Virginia against the pride and splendor of this District. So far as he was himself concerned, Mr. C. said, he had always taken steps to remedy the defect which was urged as an objection to this bill, by suggesting a law requiring that the proper provision for the sittings of the court should hereafter be made by the levy court of the District. He was sorry that the House had rejected the amendments proposed to the bill, since one of them went to limit its operation to two years, by which time the Committee had supposed the requisite accommodation could be provided for the court in another manner than by Congress.

Mr. WHITMAN, of Massachusetts, said, he could not imagine any necessity for passing this law. Heretofore no law had passed designating the place where the courts should hold their sessions, and yet they had always been duly held. The difficulty which was represented now to exist, in regard to the District of Columbia, might with equal reason be complained of in any of the circuit and district courts of the United States. There was not on the statute book any act designating the buildings in which the circuit or district courts of

the United States should be held in any part of the United States. In many instances, the district courts had been under the necessity of holding their sessions in public houses in the towns where they sat. The expense thus incurred had been defrayed, he presumed, under the general law authorizing such disbursements by the marshals of the respective districts. Heretofore, without any special law, the circuit court for this District had been held in some part of the Capitol. There was, Mr. W. said, a wide difference between the other courts of the United States and the circuit court of the District of Columbia. The former ought to be held at the expense of the United States; but, in the District of Columbia, the people ought certainly to defray the expenses of their own courts. The Courts of the United States in the several districts are for the purposes of the United States, and the courts of this District are for the purposes of the District—for the benefit of the District alone. There was as much reason why the District of Columbia should support an establishment of this kind, as that any State should support its own. The United States had already built a jail for the accommodation of the people of this part of the District, who were fully able themselves to bear an expense of this kind. This District was as rich a section of the country as any of the same extent to be found in the United States; and its population was such as authorized it to support its own establishments.

Mr. STROTHER again spoke. With regard to other courts of the United States, he said, the building occupied by the Federal Court for the Virginia district was not provided at the expense of the United States, but was furnished for its use free of expense. But the gentleman from Georgia had remarked that Congress had not done its duty on this subject. It was not for Congress to volunteer their legislation on the subject, when the people had not applied for it. And, because it was at a late day proposed, was that any reason why the Government should defray the expense of building a court room? He contended, he said, that the people of the District had no right to exact of Congress that they should purchase or rent a building for their exclusive use and benefit. What was the difference, in this respect, between any county in Alabama, or in Illinois, and the county of Washington, in this District? They had equal claims on the public purse. And would any one say, that, if any county in Illinois were to apply to Congress for the purpose a courthouse would be built for them at the public expense? What is there in the Constitution, said he, which gives to the people of this District a higher claim than the people of one of those counties? Are the people destitute of the means of furnishing the necessary building themselves? Is there poverty here, or is there wealth? Is not the public money disbursed here lavishly, and have not the people the means of erecting a building sufficient to accommodate their courts? There was nothing in the Constitution, he said, which required Congress to pass this bill; and charity did not require it, because those who beg are wealthy. For the information

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of the House, he would state that the room provided (in the north wing of the Capitol) for the accommodation of the Supreme Court was now vacant, and would be so until that court should meet four weeks hence; and he hoped it would not be pretended that the white ermine of that court would be sullied, or that its dignity would be wounded by permitting the circuit court of the District to sit there for four weeks. In relation to the preservation of the records, and an office for the clerk of the court, this clerk, he learnt, received a compensation for his services amounting to somewhere about ten thousand dollars a year. Could he not appropriate out of this considerable emolument a sum sufficient for his own accommodation and the preservation of the records of his office? In this respect, the passing of that bill into a law would only be an immediate benefit to the clerk, to relieve him from the necessity of providing an apartment for his own accommodation. It was not the magnitude of this question, Mr. S. said, but the principle involved in it, which made him oppose this bill. This District, he repeated, was amply competent to support its own establishments without the interference of Congress; without extracting money for that purpose from the pockets of the laborer who earns his bread by the sweat of his brow, or of the hardy seaman who subjects himself, in pursuit of a livelihood, to all the hardships and dangers of the ocean.

Mr. WARFIELD, of Maryland, spoke in favor of the bill. Whether the practice of furnishing rooms for the accommodation of the court was or was not correct, appeared to him not now to be the point for discussion. In the case now before the House, whatever might be the practice in regard to the other courts of the United States, it had been the invariable practice to have public rooms assigned for the accommodation of the court. The information that they were now to be deprived of the use of those rooms had been given but a short time since. It now appeared, that all the public buildings were so far occupied as that no place could be had for the suitable accommodation of the court. Next Monday was the term day of that court. It was important, not only to the interests of this District, but to those also of the United States, that the court should proceed in the discharge of its judicial duties, because there were cases depending in the court in which the United States have an interest. It appeared to him, Mr. W. said, that the question did not properly present itself now, whether the county was bound to make the appropriation to accommodate the court, or whether it was a part of the duty of the Government of the United States to do so. That point would properly present itself when the report of the committee on this subject should be made. The argument drawn from Illinois and Alabama, he conceived, did not apply to this case. It seemed to him, and when the question should fairly come before the House, he thought it might be demonstrated, that it is the duty of the United States to provide for the accommodation of this court; but he waived this question for the present. We, said he, have exclusive jurisdiction over this District.

It may have been the fault of those interested in the erection of this building that no proposition has heretofore been presented to Congress on this subject. But it may also be said that the omission to make such a provision shows a want of due attention on the part of Congress to the situation of those who are under their exclusive care. The argument drawn from the alleged profits of the clerk's office, did not bear on this question. The profits, whatever they were, arose from the business which he transacted, and were exclusively his own. With what propriety, then, could the clerk be called upon to appropriate what was exclusively his own for the accommodation of the court instituted by the United States? Such a limitation should be given to the operation of the law as the House might think proper; but, under the circumstances, he thought the law, in some shape, ought to pass.

Mr. KENT, of Maryland, rose to correct erroneous impressions which appeared to prevail, that it was the people of the District who had applied to Congress for the passage of this bill. It was a proposition, in fact, from the other branch of the Legislature, and not from the citizens of the District. It had originated with a committee of that body, who reported it to be incompatible with the convenience of the committees of the Senate, that the court of the county should continue to occupy the rooms heretofore used by it and its officers. With regard to the renting or building a courthouse by the Levy Court, Mr. K. said its powers were limited, and did not embrace such an object.

Mr. PINDALL, of Virginia, was willing to make present provision for the accommodation of the court, but was desirous to limit the operation of the bill; he, therefore, proposed an amendment, going to limit the operation of the bill to one year. This amendment was agreed to.

And the question being put on ordering the bill to a third reading, as thus amended, it was decided in the negative. So the bill was rejected.

NAVY APPROPRIATIONS.

The other orders of the day being postponed for the purpose, the House resolved itself into a Committee of the Whole, on the bills reported by the Committee of Ways and Means, for making additional appropriations for the support of the Navy for the year 1819.

Mr. SMITH, of Maryland, (chairman of the Committee of Ways and Means,) explained the reasons which rendered it necessary to provide, at this time, for certain expenditures which had not been foreseen at the last session. He called for the reading of the letter of the Secretary of the Navy on the subject, which was read by the Clerk of the House.

Mr. STORRS, of New York, said, that he had observed, in the letter of the Secretary, an allusion to a warrant of transfer, drawn by the President in August, which he also requested the Clerk to read from the documents. Mr. S. then said, that it appeared from this warrant that, so late as August last, certain unexpended balances of former appropriations, particularly those for the repair of the frigate Chesapeake, and building ships of war

on Lake Ontario, of several years standing, had, under the direction of the President, been brought up, and a fund created out of them which had been expended during the past year. The act of 1794 required, that all unexpended balances of appropriation remaining in the Treasury should, after two years, be carried to the surplus fund. He requested the chairman of the committee to explain by what construction of the law, relating to the President, the power had been conveyed in this case. He asked for information merely.

Mr. SMITH, of Maryland, pointed out the provision in an act of the 3d of March, 1809, applicable to the transfer of appropriations, which was read by the Clerk in the following words:

"Provided, That, during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the Secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department; in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of the next ensuing session."

Some further conversation took place respecting the surplus fund; when

Mr. RANDOLPH, of Virginia, rose, and, after referring to the origin of the surplus fund, said, that the provision of the law, which had just been read by the Clerk, struck him with some unpleasant recollections, which he could neither suppress nor conceal. It was now just twenty years since he first had the honor of a seat in this House. At that time, the persons of the political description to which he had conceived himself to belong, were contending against great abuses and mal-administration generally, but particularly in the fiscal concerns of the State. By the exertions of that party, seconded, he presumed, by the good sense and patriotism of the people of this country, a great revolution was effected in the Government. Among the first recommendations of the Chief Magistrate who succeeded in consequence of it, was that of holding the officers of the Government down to the strict administration of their duties. This, Mr. R. said, was one of the cardinal principles on which the old Republican party came into power. He did not wish to revive party feeling by what he should say; far from it—what he was now speaking of was history. Mr. Jefferson—he hoped it was not out of order to name him—came into power, recommending, among other reformatory measures of abuse, a strict adherence to appropriations. It was in the very last night of his political life, about midnight, that that law, which had just been quoted, was put on the statute book. I did consider it at that time, said Mr. R., as a sort of death-warrant to the principles upon which he came into power, so far as they were connected with that provision. And how came that law upon the statute book? At that time, he said, there were two great rivals for power and interest; one of whom might be considered the ascendant in the Senate,

and the other not less so here. That law, Mr. R. suggested, was a sort of propitiation from one to the other—a compromise of differences between these two personages. I confess to you, said Mr. R., that the whole progress of this business, since the House resolved itself into a Committee of the Whole, has struck me, being long out of this House, with some astonishment. What! has the honorable chairman of the Committee of Ways and Means voted this morning against an appropriation of eight hundred dollars for a room for the use of the circuit court of the District of Columbia, and, at this late hour of the day, are we to decide on questions of great magnitude, when some of the members have left the House, and some have gone home to spend their Christmas with their neighbors; and, above all, on a money bill, putting our hands in the pockets of the people? Mr. R. said he did not set himself up for a censor; he came here to be instructed, not to instruct; but it was astonishing to him that matters of little moment should be contested, at least with spirit, when public moneys are proposed to be voted largely, without discussion. He was willing, he said, to give to the navy all that the navy requires—to appropriate the public money where public money was necessary—but he was not willing to transact the public business in this way.

Mr. SMITH, of Maryland, made a few observations on points on which he more fully enlarged on the following day, as hereafter appears. He intimated that he had no objection to the Committee's rising, that members might have an opportunity to obtain such information as they wished on this subject.

Mr. MERCER, of Virginia, said, before the Committee rose, he wished to suggest to the honorable chairman of the Committee of Ways and Means, that he was desirous of obtaining information on another point than that which had been referred to. The act of the last session of Congress, for imposing additional restraints on that abominable kind of traffic which had so long disgraced the civilized world, had been hailed as an evidence of the intention of the Government effectually to use its efforts to suppress it. He was obliged to believe that nothing had been yet done towards this object. He did not wish that we should borrow from the humane feelings of the world the tribute of applause to our generosity, when the Treasury had been actually barred up against expenditure for the object held forth in the act of the last session.

Mr. SMITH, of Maryland, said that at the time the law of last session passed, the public vessels were not in a condition to go on foreign service until they were repaired. It was the very act of repairing and fitting out these vessels which made necessary the additional appropriations now asked for. He said he had, in private life, had much to do with repairs of vessels, and he had invariably found it impracticable to estimate accurately the expenditures until they had been made. This was at least equally true as to repairs of public vessels, &c.

Mr. FLOYD, of Virginia, rose to say that, having been a member of the committee of the last Con-

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gress, whose investigations had led to the report of the bill, which became a law, for the more effectual suppression of the slave trade, the understanding of the committee was, that the money therein appropriated was intended to be applied to the purpose of transporting to Africa persons taken from slave ships, or illegally introduced into the country, and not to the purpose of fitting out the public vessels to be employed in the manner designated in that act.

Mr. LOWNDES, of South Carolina, made a few remarks on the subject of transfers from one head of appropriation to another, of which the situation of the reporter enabled him to hear only a part. It would be obvious to the House, he said, on a little reflection, that one of two things must be done: there must either be allowed to some authority of the country the power of transferring appropriations from one object to another, or, in respect to all objects depending on contingencies, on the fluctuation of the market, the appropriations must be made to an amount much larger than at the time of making them may appear necessary. Congress must, if no power be given to transfer appropriations, appropriate, in all such cases, not what is necessary now, but what may be necessary in the greatest possible fluctuation of the market. To insist upon a precise estimate of the amount each branch of the public service may require for a year ensuing, is to insist upon a degree of accuracy not to be expected. If a strict adherence to the letter of appropriations was required, Congress would be under the necessity of leaving the amount of appropriations for specific objects larger than necessary, and of greater amount than ought to be placed at the discretion of the Government. A proper jealousy on the part of this House to prevent the diversion of public money from the objects for which it is appropriated, could not but be salutary; but some power of transferring appropriations is necessary, and, being necessary, it appeared to him the power was now as well lodged as might be. Therefore, though he had no objection to the Committee's rising to investigate other objects which had been brought into view, he saw no reason for its rising in what had fallen from gentlemen respecting the transfers of appropriations.

Mr. RANDOLPH, after expressing his regret that the remarks of Mr. LOWNDES had induced him again to rise, asked, if the necessity for the provision in the law of 1809 had been so urgent, how had it happened that Mr. Jefferson's administration had gone on to the end of its eighth year, without such a law? At the moment when he was about to retire from office, the two Houses had presented him with a bill, clothing him with a power which he not only did not wish to have, but which he had publicly and solemnly said ought not to belong to any Executive. It would have been highly proper in him to have refused his signature to that act. But might it not be supposed that, at the last moment of his political service, when he would have been more than human had he not been agitated by a variety of passions, the provision in question had escaped even his keen

sight? Mr. R. again referred to the origin of the law of 3d March, 1809. It would be recollected, he said, that at the last session of Congress during which Mr. Jefferson exercised the powers of President, he had recommended the disposition of the surplusses of revenue upon certain objects of great public interest. So much of the Message as related to that subject, was referred (said Mr. R.) to a committee, of which I had the honor and the ill fortune to be chairman. It will be evident to every one who hears me, that the amount of the surplus which would remain in the Treasury must depend on the amount of expenditures to be authorized. To ascertain the amount of these expenditures, before the several appropriation bills were passed, was beyond the financial talents even of the gentleman from Maryland. But, in consequence of the disagreement to which he had alluded when up before, which extended itself to the two Houses of Congress, the navy appropriation bill did not pass until near (if not after) midnight on the last night of the session. Here, then, was a committee charged with saying what surplus would remain unexpended in the Treasury, when so large an item as the amount to be appropriated for the service of the navy was unascertained. That committee met, prepared a report, and were ready to make it when that bill should pass. But they could not make it, for the circumstance already stated; and they labored under the censure of not having made a report, when it was impossible that they could have made one. One word more, Mr. R. said, and he had done. He should not be at all surprised, if these words—surplus fund and balance of appropriation—should lead some of us into a mistake. A balance of appropriation was one thing, and a balance of money was another. It was a balance of appropriation carried to the surplus fund, but it was by no means certain that it was, and it seldom was, a balance of money.

On suggestion of Mr. STORRS, the 16th section of the act of March 3, 1795, was read, viz:

"SEC. 16. *And be it further enacted*, That, in regard to any sum which shall have remained unexpended, upon any appropriation other than for the payment of interest on the funded debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the United States; for the purpose of the sinking fund; or for a purpose, in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated 'the surplus fund.'"

The Committee now rose, reported progress, and had leave to sit again; and the House adjourned to Monday next.

MONDAY, December 27.

Another member, to wit: from Louisiana, THOS BUTLER, appeared, produced his credentials, was qualified, and took his seat.

Mr. MEIGS presented a memorial of the Chamber of Commerce of the city of New York, stating that very injurious consequences are resulting to the commerce and shipping interest of the United States, from the discriminating duties lately established in France on the staple products of this country, and praying that a heavy tonnage duty may be imposed on French shipping in the ports of the United States, or that such other counter-vailing measures may be adopted as, in the wisdom of Congress, may be adequate to the protection of the shipping and commerce of the United States.—Referred to the Committee of Commerce.

Mr. MEIGS presented another petition of the Chamber of Commerce of the city of New York, praying that a uniform system of bankruptcy may be established throughout the United States; which was referred to the Committee of the Whole, to which is committed the bill for that purpose.

Mr. MEIGS also presented a memorial of the American Society, of the city of New York, for the encouragement of domestic manufactures.

Mr. CASE presented a memorial of sundry inhabitants of the State of New York.

Mr. MACLAY presented a memorial of sundry inhabitants of the western counties of Pennsylvania; which memorials respectively pray, that further measures may be adopted for the security and encouragement of the manufacturing interest of the country.

Mr. WENDOVER presented a petition of Thomas S. Uffington, manufacturer of umbrellas and parasols, praying that the duties imposed on imported umbrellas and parasols, and materials for their construction, may be so regulated as to afford more efficient protection to the domestic manufacture of those articles.

Ordered, That the said memorials and petition be referred to the Committee on Manufactures.

Mr. McLEAN, of Kentucky, presented a petition of the General Assembly of the State of Illinois, praying that a right of pre-emption in the purchase of public lands may be extended to certain settlers on the said lands within that State.

Mr. McLEAN also presented another petition of the General Assembly of the State of Illinois, praying for a grant of thirty-six sections of wood land for the use of a Saline lately discovered on the waters of Bond Creek, in said State.—Referred to the Committee on the Public Lands.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, made an unfavorable report on the petition of Hugh McCullough, of North Carolina.

Mr. HALL, of North Carolina, moved that the report be so amended as to resolve that the prayer of the petitioner is reasonable, and ought to be granted.

Mr. SMITH moved that the report be laid on the table; which motion was agreed to, with the additional order, moved by Mr. HALL, that it be printed.

Mr. WILLIAMS, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Matthew Barrow," reported the same without amendment; and the

bill was committed to a Committee of the Whole to-morrow.

Mr. HENDRICKS, from the Committee on the Public Lands, made a report on the petition of Clement B. Penrose, which was read; when Mr. H. reported a bill for the relief of the said Clement B. Penrose; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. HENDRICKS also made a report on the petition of John B. C. Lucas; which was read; when Mr. H. reported a bill for the relief of the said John B. C. Lucas; which was read twice, and committed to the Committee of the Whole, to which is committed the bill last mentioned.

Mr. CAMPBELL, from the select committee appointed on the 9th instant for the purpose, reported a bill to provide for taking the fourth census or enumeration of the inhabitants of the United States; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. ALEXANDER SMYTH, from the Committee on Military Affairs, to whom was referred the petition of Rebecca C. Appling, made a report thereon, which was read; when Mr. S. reported a bill for the relief of the legal representatives of Colonel Daniel Appling and others; which was read twice, and committed to a Committee of the whole House to-morrow.

On motion of Mr. CANNON,

Resolved, That the Secretary of War be directed to lay before this House a statement, showing the whole amount of money that has been expended by the General Government on the Military Academy at West Point, in the State of New York; also, the number of Cadets that have been educated there from each State, District, or Territory, and their names; also, an estimate of the sums necessary to be appropriated for said institution for each of the next succeeding three years.

The SPEAKER presented a memorial of a committee on behalf of the Cadets in the Military Academy at West Point, complaining of manifold acts of tyranny and oppression on the part of the Superintendent of that Academy, and praying that an inquiry may be had into its state, management, laws, regulations, and transactions, and such measures adopted as will tend to remedy the evils and abuses set forth in their memorial.—Referred to the Committee on Military Affairs.

On motion of Mr. STORRS, the Secretary of the War Department was directed to transmit to this House a statement of all the balances of moneys, unexpended on the 27th day of December, 1819, remaining in the Treasurer's hands, as agent of the War Department; designating therein the various heads of appropriation, and the balance of moneys remaining unexpended under each of them.

On motion of Mr. STORRS, the Secretary of the Navy Department was directed to transmit to this House a statement of all the balances of moneys, unexpended on the 27th day of December, 1819, remaining in the Treasurer's hands, as agent of the Navy Department; designating therein the various heads of appropriation, and the balance of moneys remaining unexpended under each of them.

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Estimate of Public Expenses—District of Columbia.

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ESTIMATE OF PUBLIC EXPENSES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of moneys proposed to be appropriated for the service of the year 1820; which was referred to the Committee of Ways and Means.

The letter is as follows:

TREASURY DEPARTMENT, Dec. 23, 1819.

SIR: I have the honor to transmit, herewith, for the information of the House of Representatives, an estimate of the appropriations proposed for the year 1820, amounting to, viz:

Civil list, miscellaneous and foreign intercourse - - - -	\$2,404,593 93
Military Department, including Indian department, and revolutionary and military pensions - - - -	10,292,831 03
Navy Department, including marine corps - - - -	2,702,028 76
	<u>15,399,453 72</u>

To which add permanent appropriations, viz:

Sinking Fund - - - -	\$10,000,000 00
Gradual increase of the Navy - - - -	1,000,000 00
Arming militia - - - -	200,000 00
Indian annuities - - - -	156,725 00
Also, navy deficit for this year - - - -	500,000 00
	<u>11,856,725 00</u>

The funds from which the appropriations for the year 1820 may be discharged are the following, viz:

1. The sum of six hundred thousand dollars, annually reserved by the acts of the 4th of August, 1790, out of the duties and customs, towards the expenses of the Government.
2. The surplus which may remain of the customs and internal duties, after satisfying the sums for which they are pledged and appropriated.
3. Any other unappropriated money which may be in the Treasury during the year 1820.

I have the honor to be, very respectfully, your obedient servant,

WM. H. CRAWFORD.

The Hon. SPEAKER
of the House of Representatives.

TREASURY DEPARTMENT,
Register's Office, December 21, 1819.

SIR: I have the honor to transmit, herewith, the general estimate of appropriations for the service of the year 1820, viz:

Civil department - - - -	\$1,099,833 29
Submissions for do. - - - -	18,100 00
	<u>\$1,117,933 29</u>
Miscellaneous - - - -	971,482 88
Intercourse with foreign nations - - - -	333,277 76

Military Establishment, viz:

Expenses of the Army \$3,380,614 96	
Permanent objects - - - -	3,003,971 04
Military pensions - - - -	426,845 03
Revolutionary pensions - - - -	3,066,400 00
Half-pay pensions to widows and orphans - - - -	100,000 00
Indian department - - - -	315,000 00
	<u>10,292,831 03</u>

Naval Establishment - - - -	2,474,507 50
Marine Corps - - - -	227,521 26
	<u>2,702,028 76</u>
Total amount, including submissions - - - -	<u>15,417,553 72</u>

I have the honor to be, sir, your most obedient servant,

JOSEPH NOURSE, Register.

HON. W. H. CRAWFORD,
Secretary of the Treasury.

DISTRICT OF COLUMBIA.

Mr. WHITMAN, of Massachusetts, offered for consideration the following resolution:

Resolved, That the Committee on the District of Columbia be directed to inquire into the expediency of establishing a Territorial government for the District of Columbia.

Mr. WHITMAN said that, on presenting this resolution, he deemed it proper to offer a few remarks. The subject, said he, has heretofore been recommended to the consideration of Congress by the Executive; and the older we grow the more sensible shall we become of the necessity of adopting this course. We cannot much longer be expected to devote much of our time to the minor affairs of this little District. Congress cannot have more time than will necessarily be required for the great affairs of the nation. Besides, (said Mr. W.,) there is great absurdity in our legislating for a people, of whom, and of whose affairs, not one of us have any particular knowledge. We are, as it were, assembled from a foreign country, as respects the state of things in the District of Columbia. No one of us has grown up in a familiar acquaintance with their concerns. We, however, have a standing committee on the affairs of this District. This committee, occasionally, at the instigation of some one man or set of men, within the District, bring forward bills. If no one of the committee objects to them, however lengthy or complicated in their nature, they pass *sub silentio*. No one, out of the committee, knows any thing of the subject-matter of them or of their bearings.

Sir, said Mr. W., the people in this District have been governed for nearly twenty years, without having a single voice in the enactment of their laws. If they possess the sensibility, which we must believe they do, in common with the rest of their fellow-citizens, as to the right of self-government, we cannot long expect them to be easy and satisfied in such a situation. The citizens of this District are surely not less intelligent, and have not less of the spirit of men and of freemen, than is to be found in every similar body of the United States.

The affairs of the District require much of legislation. The laws at present, in it, are in the most perplexed condition. On the Virginia side of the Potomac they have the common law, the statute law of Virginia, and the acts of Congress made for the District, all in a confused mass. And on this side of the river they have the statutes of Maryland, mixed up with the common law, and the statutes made for the District. Such a jumble

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of laws never before governed any one such district of country. To bring order out of such a chaos, the best talents and the longest acquaintance with the actual state of things is indispensable. It is impossible that any member of Congress, and much less can it be that any considerable portion of Congress, can be adequate to such a task.

This District of Columbia (said Mr. W.) is, in every point of view, the most interesting of any equal portion of the Union. Here are to be assembled all the most distinguished men of our country, at the head of our affairs. Here is to be, for many years, at least, and, I could hope, forever, the Seat of the National Government. Here are to be assembled, from every part of the Union, the representatives of the people, who are to reside here for a considerable portion of the year; and here, also, is the fairest portion of the property of the Union. The prosperity of this District, then, must be near to the heart of every member of this House. The only question which any one can ask is, what is the best mode of promoting it? My opinion is, sir, that it can only be done by self-government. To this I cannot believe the citizens of the District will object.

But, sir, said Mr. W., I have another motive. I do believe that the people of this District ought to be at some portion of the expense of this government of themselves; and that it ought not, wholly, to devolve upon the Union at large. They ought, at least, to bear their proportion of the burdens in common with the rest of their fellow-citizens. Gentlemen are not, perhaps, all apprized, that the Treasury of the United States is drawn upon for every expenditure incident to the judiciary in this District. That the grand and petit jurors and witnesses on the part of Government, and the officers attending court, and every other contingency, is an encumbrance upon the Treasury Department. The sums that are annually to be drawn from the Treasury in this way, are by no means inconsiderable. At this time, it seems that a courthouse is needed—and this, too, it would seem, must be built by the Government of the United States. And if the United States are to build it, the expense, we may presume, if we may judge from what has been, will not fall short of \$100,000. If it were to be built by the county of Washington, said Mr. W., I will undertake to say, it would not cost \$10,000. The United States have already erected a jail for this county; and there, said Mr. W., I should like to stop. I for one should still be willing to pay the salary of their Governor, and perhaps of their judges.

There is no portion of the Union, said Mr. W., where such advantages are enjoyed by our citizens as in this District. If any of our State governments were about to fix on a seat of government, would there be a single town in it, the inhabitants of which would not willingly make great pecuniary sacrifices to secure so great a boon? And, if that would be the case as to a State government, what would any such town say to the proposal to establish within it the Seat of Government of the Union? The citizens of this District derive infinite benefit from the constant issues from the Treasury here.

And they are certainly as wealthy and as well able to bear their proportion of the public burdens as any portion of the Union. I hope, sir, this measure will be adopted, as well for the benefit of the Union as for the benefit of the citizens of this District.

Mr. BARBOUR, of Virginia, said, if he understood the purpose of the resolution just offered by the member from Massachusetts, (of which, however, he was not sure, as he heard it indistinctly,) it was, to create a Territorial government, including, of course, a legislative department, within the District of Columbia. The gentleman had urged, in support of his proposition, various considerations drawn from inconvenience. Mr. B. said, that he had in some degree, experienced some of the difficulties which the gentleman had stated; particularly, as a member of this House, he had felt the difficulty of devoting to the business of the District a due portion of time, and yet at the same time attending to the great public concerns of the country. But, sir, said he, whatever may be the inconvenience, I fear it must be submitted to, at least under the present Constitution. He would call the attention of the House to the clause of the Constitution which had reference to this subject: "Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the Seat of the Government of the United States." Now, sir, said he, it does appear to me that the mere quotation of this clause almost entirely supersedes the necessity of comment. The power to legislate is given to Congress, and, to make the grant more explicit and more emphatic, the term *exclusive* is added, and, finally, *in all cases whatsoever*. We ourselves are a created body; to us has been given a certain power, confided a certain trust; is it competent for us to become the creators of another body, to which this power is to be given—this trust confided? Is it competent for any department of any government, whether Federal or State, to which certain political power has been delegated, to delegate the same power to another or subordinate body? Would the Legislature of Massachusetts or Virginia, for example, be able to delegate the legislative powers respectively granted to them, to any other body? He was satisfied that no gentleman would undertake to hold the affirmative. If the gentleman's proposition had only gone to this—to the establishment of some subordinate power, with authority to digest a system of laws for the District, subject to the control of Congress, either by approval or disapproval, it would have presented another question, which, when it shall occur, may be well worthy of consideration. But, sir, if we adopt the resolution now offered, and establish an independent Legislature, what will be our situation? Either we should continue to exercise legislative power over the District, or we should not. In the first case our legislative power would not be *exclusive*, but *concurrent*; in the other part of the alternative, not only should we not exercise *exclusive* legislation, but another power, unknown to the

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Constitution, would exercise exclusive legislation. Under these impressions he should vote against the resolution.

Mr. WHITMAN said, he was not convinced by the remarks of the gentleman from Virginia, (Mr. BARBOUR,) of the unconstitutionality of this measure. His construction, said Mr. W., of the Constitution, cannot be correct. In giving Congress the exclusive power of legislating for the District, nothing more was meant or intended, than to give the sovereign control over it to Congress. We have the same power over the territories, and no other; and by powers of similar import—and yet we have never hesitated to erect governments over them. The argument of the gentleman would prove too much. If we are obliged to exercise exclusive legislation, and cannot delegate this power, how happens it that we have created cities within the District, and given them legislative power? The City of Washington is constantly publishing her legislative acts in relation to the city. If we can delegate any portion of this power, we can, surely, delegate the whole. If we can parcel it out in detail, we can part with it in the gross.

Sir, said Mr. W., as I am up, I will just remark, that it will be impossible for Congress to legislate for this District. Every petty purpose for which an act may be necessary, whether to authorize the assessment of a tax, to incorporate a company, or to alter a name, application must be made to Congress; the application be referred to a committee; the committee must report, perhaps by bill; the report be referred to a Committee of the Whole, and placed among the orders of the day; and, after discussion and amendment, reported to the House. Then, if a bill, after being read the usual number of times, be engrossed; and then enrolled and passed; and then sent to the Senate, where it must undergo the same formalities; and finally, receive the signature of the President. Besides these special acts, said Mr. W., at the last session we had a code of laws, in a volume of five or six hundred pages, of a general nature, laid upon our tables. The highest law authority in the District had deemed all these necessary; and that authority had again been requested to revise this code. But, said Mr. W., I have never yet been informed in what manner these laws are to obtain our sanction. Surely we are not to adopt the whole, in the gross, without knowing any thing about them, and without their undergoing any of the ordinary forms necessary to the passage of other laws. Such legislation would be disgraceful. And, if we are to transcribe each proposed act into the form of a bill, and then to pass it in the ordinary way, the whole time of Congress would be necessary, exclusively, for many years, for the purpose. Sir, I believe we have the power to rid ourselves of this business; and I hope we shall not fail to do it.

Mr. COBB, of Georgia, rose, to remind the House, and particularly those gentlemen who were not members of it at the last session, that, the subject now before the House being then under consideration by the District of Columbia, some pains had been taken to ascertain the sense of the citizens of the District on the subject. The result of the in-

quiry made from the three corporations of Washington, Georgetown, and Alexandria, was an unanimous declaration that they were not desirous of the establishment of a territorial government. With regard to the arguments of the gentleman from Massachusetts, in reply to that of the gentleman from Virginia, on the Constitutionality of such a measure, if the gentleman would examine it closely, he would find that they were really arguments of expediency, founded on the inconveniences experienced from the present condition of the territory.

Mr. Cook, of Illinois, rose and said that, as he considered the resolution of the gentleman from Massachusetts (Mr. WHITMAN) proposed making a provision of some importance, at least in a fiscal point of view, to the Government, he trusted he should not be considered troublesome, but would be indulged by the House whilst he offered those views of the subject which had occurred to him during the progress of the debate.

I concur, said Mr. C., with the gentleman from Virginia, (Mr. BARBOUR,) in the proposition that a legislative body, created by the constitution of the State, cannot itself create a subordinate legislature, and impart thereto those powers of legislation with which it was itself clothed. It would, as the gentleman has urged, be making the creature equal to, and in turn itself a creator.

But, sir, whilst I admit the correctness of this proposition, I must beg leave to differ with the gentleman when he supposes that it comes in collision with the resolution now before the House. The resolution proposes the establishment of a Territorial government within the District of Columbia. But, says the gentleman, the Constitution vests the power of legislating for that District exclusively in Congress, and, from the expressions in that instrument, that power cannot be imparted to a subordinate legislature. Sir, in construing the Constitution, I hold it as a correct principle, that all its parts should be taken together; and, adopting this as the true rule of construction, I think it will appear evident that it was not the intention of the convention, in using those words, that Congress *itself* should "exercise exclusive legislation" over the District; but that those expressions were used for the purpose of precluding the sovereign authority of those States, from which the District might be purchased, from exercising it thereafter over the District, and thereby protect the National Legislature and the various departments of the Government against the operation of laws passed by any other authority than itself, or such authority as would be amenable to it.

It cannot be doubted, Mr. Speaker, that, at the time the Constitution was adopted, it was intended and expected to purchase this "ten miles square" for the seat of the National Government, from one or more States, the boundaries whereof were already defined by their own constitutions or charters, and whose sovereignty was co-extensive with those boundaries; and in order, therefore, to exclude that sovereignty, after such purchase by the Federal Government, it was necessary to use expressions at least as strong as those that have been

used, although different terms might have been employed to convey the same intention.

If we will pursue the same clause of the Constitution throughout, an additional argument may be drawn therefrom, in support of this position: "Congress shall have power to raise and support armies, and provide for the common defence." To make all regulations concerning the erection of forts, arsenals, magazines, &c., would seem, therefore, to be implied in this delegation of power; yet, because those posts might, and necessarily would be, within the limits of sovereign States, it was necessary to guaranty, by the Constitution, exclusive sovereignty over such places to the Federal Government. It was necessary, otherwise the State sovereignties might interfere with the views of the Federal Government in relation to those places; and hence we see that Congress is authorized to "exercise exclusive legislation" over such places, in express terms.

And, sir, this construction will appear the more reasonable when we compare the foregoing provisions of the Constitution with that clause which gives to Congress the power to make all needful rules and regulations respecting the territory and other property of the United States. It is true, sir, this latter clause does not declare that Congress shall have the power, *exclusively*, to make those needful rules and regulations; and it was for an obvious reason; it was this, sir: That over the territories belonging to the United States, without the boundary of any particular State, there could be no co-existing sovereignty, the exclusive sovereignty already being vested in Congress. The word *exclusive* was therefore unnecessary, because there was no other sovereign authority to be excluded. And yet Congress is empowered to make those needful rules and regulations; a power which Congress has, in part, invariably exercised, through the medium of subordinate legislatures.

And, sir, the moment the sovereignty of the Federal Government became complete over the District of Columbia, that very moment, by taking all the Constitution together, it stood upon the same footing with the other territory of the United States, and Congress was authorized to make all needful rules and regulations respecting it. And, upon the same principle that Territorial governments have been established west of the Mississippi, as a needful rule and regulation respecting that territory, Congress may establish a territorial government in this District.

I contend, then, said Mr. C., that the only reason why the terms in which the powers of Congress are couched, in the one case, are stronger than they are in the other, is, that, in the one case, provision was to be made for transferring a pre-existing sovereignty from the less to the greater sovereign, and, in the other, the greater was already possessed of that sovereignty. And if in the one case Congress have authority to impart legislative power to a subordinate legislature, it has it equally in the other.

If I have arrived fairly at this conclusion, Mr. Speaker, I would then remark, that the honorable member from Massachusetts (Mr. WHITMAN) has,

in my estimation, fully demonstrated the expediency of exercising that power. For, said Mr. C., if we may judge from the Journals of the House, we would be led to suppose that near one-tenth of the time of Congress was spent in legislating for this District; and, if this be true, sir, it is certainly expending too much of the national treasure in legislating for so small a portion of our country. Economy, therefore, seems to demand the adoption of this measure.

The question was then taken on agreeing to Mr. WHITMAN's motion, and decided in the negative by a close division.

TUESDAY, December 28.

Mr. MASON presented a petition of a committee of delegates appointed by persons engaged in various manufacturing establishments in the State of Massachusetts; respectively praying that further measures may be adopted for the security and protection of the manufacturing establishments of the country.—Referred to the Committee on Manufactures.

Mr. HAZARD presented a memorial of sundry inhabitants of the State of Rhode Island, praying that provision may be made for the prohibition of slavery within the Territory of Missouri, when the same shall be erected into a State government.

Mr. ROGERS presented a similar memorial from sundry inhabitants of Northampton county, in Pennsylvania.

The SPEAKER presented petitions of sundry inhabitants of the counties of St. Genevieve, Madison, Washington, Jefferson, Wayne, Cape Girardeau, Lawrence, and New Madrid, in the Territory of Missouri, praying that the said Territory may be divided in the manner stated in the petition.

Ordered, That the said petitions be referred to the Committee of the Whole, to which is committed the bill on that subject.

Mr. ARCHER presented a petition of John Adlum, of the District of Columbia, stating that he has succeeded in making wine of a very superior quality from native grapes, and praying the attention of Congress to the subject.

Mr. KENT presented a petition of the Grand Lodge of the District of Columbia, praying for authority to raise, by lottery, the sum of fifty thousand dollars, to be applied in the erection of a Masonic Hall, in the City of Washington.—Referred to the Committee for the District of Columbia.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Ether Shipley, administrator of Thomas Buckminster, accompanied by a bill for his relief; which was twice read and committed.

Mr. BLOOMFIELD, from the Committee on Revolutionary Pensions, to whom had been referred an inquiry into the manner in which the pension law of March 18, 1818, had been executed, &c., made a report, embracing a correspondence with the Secretary of War upon the subject; which was read and ordered to be printed.

Mr. MEIGS, from the select committee to whom

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was referred an inquiry into the expediency of granting to the New York asylum for the deaf and dumb a donation of public land, made a report thereon, favorable to the purpose proposed, accompanied by a bill granting one township of land to said institution; which was twice read and committed.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act authorizing a subscription for the eleventh and twelfth volumes of State Papers," in which they ask the concurrence of the House. The bill was read twice and committed to a Committee of the Whole House to-morrow.

A Message was received from the President of the United States in relation to the Danish brigantine *Henrick*; which was read and referred to the Committee of Claims.

A Message was also received from the President of the United States, transmitting to Congress a report of the Commissioner of the Public Buildings, and sundry other documents, exhibiting the present state of those buildings, and the expenditures thereon during the year ending the 30th of September last; which message was read.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Director of the Mint, giving the result of the assays of sundry foreign coins made current within the United States by the act of April 29th, 1816; which was read and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting topographical reports, made with a view to ascertain the practicability of uniting the waters of Illinois river with those of Lake Michigan; which was read, and ordered to lie on the table and be printed.

On motion of Mr. CROWELL, the Committee on Public Lands were instructed to inquire into the expediency of establishing by law one or more additional land offices in the State of Alabama.

On motion of Mr. HOOKS, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for perfecting titles for land sold for direct tax, where the collector is dead or removed without having made titles for such land.

On motion of Mr. WILLIAMS, of North Carolina, the Secretary of War was directed to report to this House the aggregate amount of the military peace establishment of the United States actually in service for each and every year since the year 1815, distinguishing between the number of officers, non-commissioned officers, musicians, and the number of privates.

RESTRICTION OF SLAVERY.

Mr. TAYLOR, of New York, rose and stated, that he was instructed by the committee to whom had been referred the resolution of the 15th instant, directing an inquiry into the expediency of prohibiting the extension of slavery in the Territories of the United States, to ask to be discharged from the further consideration of the subject. Mr. T. gave as a reason for his motion, that the committee had

found that, after a free interchange of opinions, they could not, consistently with their ideas of public duty, come to any conclusion, or agree to any report which could promise to unite in any degree the conflicting views of the House on this question.

The question was taken on discharging the committee from the further consideration of the subject and agreed to.

Mr. TAYLOR then, as he observed, to bring the question before the House, at a proper time and in a distinct shape, and not with a view to invite a discussion on it at this time, moved the following resolution:

"Resolved, That a committee be appointed with instructions to report a bill prohibiting the further admission of slaves into the Territories of the United States west of the river Mississippi."

Mr. LOWNDES said he should have no objection to the resolution, if its effect would be nothing more than was stated by the mover; but it surely ought not to be expected that the House would pass without discussion a resolution expressed in terms such as the one before them. Before the House should agree to instruct a committee to bring in a bill embracing a principle on which there were varying opinions, it would certainly discuss the preliminary question. He suggested, therefore, that the phraseology be modified so as not to express any opinion of the House in adopting it. If a committee could not agree, as had just been stated, it certainly could not be expected that the House would adopt such a form of expression, without debate, as should indicate an agreement of opinion on this subject.

Mr. TAYLOR did not understand the resolution in the same way as Mr. LOWNDES. The House could not get at the question unless it was on a bill; and, in directing the committee to prepare a bill, he did not intend to express any opinion on the principle of the bill, or intend that the House should decide on the abstract question. Had such been his object, he would have stated in the resolution that it was expedient. He presumed there was no members, he knew of none, who doubted the Constitutional power of Congress to impose such a restriction on the Territories, and the only question which the bill could present, was one of expediency. The resolution would not commit any member as to the abstract question referred to.

Mr. RHEA was opposed to the resolution, because he considered it not a very fair way of coming at the question. He wished gentlemen would exercise a little of the candor they talked about so much, and not endeavor to force the discussion on the House unexpectedly. The adoption of such a resolution by the House would have the effect to spread an opinion through the country, that the House approved of the bill they ordered to be brought in, and that it would become a law; and he wished no such opinion to go forth. The resolution was worded as if the question of expediency was settled, and took every thing for granted. This he was opposed to. There was a great deal to be said on that question; and he would not agree to a resolution which should have the appearance of admitting principles which had not been discussed or conceded fairly.

Mr. SMITH, of Maryland, was sure the mover of the resolution did not wish to take the House by surprise; and, as many members were absent, it would not be proper to press a decision on the resolution now. The proper course was the usual one—to refer the inquiry to a committee. Let them consider it; if they should report a bill, let that bill go to a Committee of the Whole, when the House would be apprized of it, and would be prepared to discuss and act on it. He moved that the resolution be committed to the Committee of the Whole, and made the order for the second Monday in January; because the members had been prepared to anticipate, on that day, the discussion of the subject in another form.

Mr. MERCER was sure, from the first, that nothing like compromise would grow out of the adoption and reference of the former resolution, because one party founded their opinions, honestly, he had no doubt, on what they conceived the solemn obligations of justice; and the other party founded theirs on the solemn obligations of an oath. As respected the discussion of this subject, it had been referred to the second Monday in January, and it was considered settled that it would not come up before. It was, therefore, improper to take up the discussion now, in the absence of many members, who had left here in confidence that the subject would not be discussed until a fixed day; and in a way, too, which would commit the House on the question. Whenever a member wished to bring in a bill, he always gave notice, and was required to do so; because a solemn character was given to a subject when once entertained by the House, and it was considered fair to give notice. Mr. M. observed that his objections to the resolution grew out of no hostility to its object. When the question proposed should come fairly before the House, he should support the proposition. Standing here as a Representative of the people west of the Mississippi, he should record his vote against suffering the dark cloud of calamity, which now darkened his country, from rolling on beyond the peaceful shores of the Mississippi.

Mr. TAYLOR rose again to say that the discussion could not come up without abundant notice. The bill would take its course at the foot of the orders, when reported, and would come up in its turn. The effect of Mr. SMITH's motion would be to discuss the subject twice—first, on the resolution, in Committee of the Whole, and then on the bill itself. The discussion of the resolution he conceived was superfluous—the question could be fully debated on the bill.

Mr. SMITH said it certainly could not be expected that the resolution could be adopted without discussing the whole merits of the subject, inasmuch as the resolution called on the House to sanction what there was a difference of opinion on. If the question was taken now, it would be taking advantage of the absent members.

Mr. HOLMES, of Massachusetts, did not agree with the mover of this resolution. It proposed to instruct a committee to bring in a bill for a particular object. This proposition tested the opinion

of the House on the measure; because, if he voted for instructing a committee for any object, it would be expected of him to vote for the bill, when it should be reported, pursuant to the instruction—unless he wished to be thought inconsistent. To vote for the instruction would certainly be considered as a pledge to support the object of the bill. He was not prepared to say whether he would vote for such a bill as the one proposed or not—he inclined to think he should not. But he was satisfied of one thing, and that was, that this question was very different from that of the Missouri bill; and he thought that bill ought to be first acted on—it had been once already discussed, and had priority of the proposition now before the House. Mr. H. observed that, whatever he might think about prohibiting slavery in the Territories of the United States, he could entertain no doubt on the other question. His mind was fully made up and settled that the House had no right to inhibit a State in this particular. The Constitution of the country, the treaty of cession, settled his opinion on this question, and forbade him to hesitate in declaring that Congress had no power to prohibit the exercise of this privilege by the State of Missouri.

Mr. LIVERMORE, of New Hampshire, made a few observations, the object of which was to show that a vote in favor of this resolution pledged neither the House, nor the members individually, to vote for any bill which should be reported in pursuance of it, if adopted.

Mr. HOLMES said he had not contended that a vote for the resolution would absolutely bind members to vote for the bill; because they had a right to be inconsistent if they chose. If they were consistent, however, they would not vote for the resolution if they did not intend also to vote for the bill.

The question was then taken on postponing the question, and decided in the affirmative, by a vote of 83 to 62.

NAVY APPROPRIATIONS.

The House resolved itself into Committee of the Whole (Mr. NELSON, of Virginia, in the chair) on the bill making certain further appropriations for the support of the Navy of the United States.

[When this subject was before the House on Thursday last, some discussion took place on the subject of transfers of appropriations from one head of expenditure to another, which Mr. STORRS commenced, and in which Mr. SMITH, of Maryland, Mr. RANDOLPH, and Mr. MERCER, took part. When that discussion was adjourned, it was with the understanding that, on the subject being resumed, the chairman of the committee would communicate to the House such information on the subject as might be obtained by application to the proper Departments.]

Mr. SMITH, of Maryland, said, that the course which the discussion had taken on a former day, on the bill now under consideration, would make it necessary for him to travel back into our laws, and the proceedings under them, and would plead his apology for the time that he should be under

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the necessity of occupying. Inquiry, said he, was made as to the manner of executing the act of 1795, and the proceedings of the Executive officers under the act of 1809, and doubts seem to have been entertained that the first had been evaded, and the last executed on improper principles.

An act passed in 1795, commonly called the Sinking Fund, its object the gradual payment of the national debt, into which was gathered every item that could be spared. Among others it was enacted, "That any sum unexpended, of any appropriation, for more than two years after the date of the appropriation, should pass to an account to be called the Surplus Fund," and thus form a part of the Sinking Fund. At that period there was no Navy Department. The Secretary of War was vested, by the act of 1789, with powers to superintend naval affairs. All moneys required for either the army or navy, however trifling, were drawn by warrants direct on the Treasury. This mode was found extremely inconvenient and troublesome to the departments. On the 30th of April, 1798, an act passed erecting the Navy Department, and on the 16th of July, of the same year, a law passed, "that the Treasurer of the United States shall disburse all such money as shall have been ordered for the use of the army or navy." The Treasurer of the United States thus became the treasurer, or banker, of the War and Navy Departments. The heads of each drew from the Treasury in large sums, and deposited them with their treasurer, on whom they drew warrants as the wants of the departments required. Prior to the act of July, 1798, all unexpended balances in the Treasury were carried to the Surplus Fund; subsequent to that act, the money is drawn into the hands of the Treasurer, for the use of the army and navy. Although there have been unexpended balances, they have not been considered such as the law contemplated to be carried to the "Surplus Fund." And such has been the uniform practice under those several acts; all unexpended balances in the Treasury Department go, after two years, to the "Surplus Fund;" those in the hands of the treasurer of the War and Navy Departments do not—they are applied as wanted for the public service.

During the administration of General Washington and Mr. Adams, a gross sum was applied, by the appropriation law, for the army and navy, to be disbursed on certain specific objects. The whole amount was considered as applicable to all or any of the specific items; so that, if there was too much allowed for one of the objects, the officers were authorized to apply the surplus to meet any deficiency that might arise in others. That mode was not approved by Mr. Jefferson; and, in his inaugural speech, I find the following recommendation, to wit:

"In our care of the public contributions intrusted to our discretion, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition, by disallowing all applications of money, varying from the appropriation in object, or transcending it in amount, by reducing the undefined field of contingencies, and

thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

I had always believed that a law had immediately passed to carry into execution those laws. I can find no such law. There, however, is a difference in the caption of the appropriation laws, passed thereafter, which, with the recommendation of Mr. Jefferson, operated so as that, ever after, the officers considered themselves bound not to exceed the amount appropriated to each specific object in the law. This new mode was beautiful in theory, but was attended with great inconvenience and public injury in practice. No estimate can provide for unforeseen occurrences. No man, when he undertakes repairs to a ship, can estimate what they will cost. The consequence was, that Congress had occasion to pass laws like the present, to provide for deficiencies. The President had under his particular care the expenditures on the public buildings, and with all his care exceeded the appropriation, in four items of specification, to the amount of \$102,000; to remedy which excess of expenditure Congress passed an act, dated April 26, 1808. The inconveniences of this system were felt, and became subjects of conversation. To remedy them Mr. Hillhouse did, on the 13th of February, 1809, introduce into the Senate a resolution, "that a committee be appointed to take into consideration the several acts relative to the Treasury, War, and Navy," and a committee composed of Messrs. Giles, Hillhouse, and Crawford, were elected. Thus, then, the subject-matter of the act of 1809 was introduced twenty days before it became a law. The act passed the Senate without opposition; it was sent to the House, and, on its first reading, a motion was made by Willis Alston to "reject," (an extraordinary motion,) and carried almost by acclamation. An appropriation for the army and navy was then on its passage in the House, to which was tacked some sections for the regulation of the several departments; it went to the Senate, who were offended that such subjects should be connected with an appropriation bill; they struck them out, and, by way of amendment, inserted their own bill; the House negatived their amendment; the Senate insisted—the House insisted—and conferees were appointed: the result was, that the appropriation bill was separated, and the act of 1809 became the law of the land. The act had been in transit twenty days—had been the subject of conversation—but whether the particular attention of the President had been called to its provisions or not I am uninformed. That law enacts, that all warrants shall specify the item of specification to which the same shall be charged; that the War and Navy Departments shall report to Congress distinct accounts of the application of each expenditure under its respective specification; that the President may, on the application of either Secretary, transfer the surplus of any one specification to meet the deficiency in any other report to be made to Congress of all such transfers; that a statement of the moneys applied to the payment of the contingent expenses of the War and Navy

Departments, shall be laid before Congress at the beginning of each year.

I again repeat, that the uniform practice under those laws has been to consider all moneys drawn by the War and Navy Departments from the Treasury, and deposited with their treasurer, as taken completely out of the purview of the surplus fund, and, until entirely expended, subject to the President's power, under the act of 1809, to transfer the unexpended balances to any other object in the same department, for the public service; in proof whereof, I ask leave to submit three documents which I have obtained, to wit: The direction of the Comptroller for the War and Navy Departments, relative to their conduct under the act of 1809; remarks by the Secretary of the Navy; and a letter from the Secretary of the Treasury. (The Clerk having read those documents Mr. S. proceeded.) I have stated what has been the uniform practice under the acts of 1795 and 1809; the documents just read fully confirm what I have stated. Has the construction given to those laws by the Executive been erroneous? Of that every gentleman will determine for himself if it has. Congress has had it every year presented to their view; it has not been kept a secret; a report of those unexpended balances, in the army and navy, has annually been before every member, and the statement printed, showing those items (which caused the present discussion) as balances unexpended for the last three years, decreasing annually, according as they were in part transferred to some other object of public service. The whole subject has been faithfully reported to Congress; no objection having been made, no notice taken, Congress did negatively approve the construction given to the law. At all events, no censure can attach to the present head of the Navy Department. He has conducted his department agreeably to the rules prescribed by the Comptroller, and to the practice which had uniformly prevailed. If another and different construction be considered more advantageous to the public interest, a law to remedy must be enacted. A remedy to prevent transfers being made from objects in their nature permanent, has already been applied by the act of 1817, which "prohibits the President from transferring any appropriation made for fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any sort, munitions of war, or pay of the army or navy, to any other object." I have, Mr. Chairman, taken a view of all the laws which apply to the object of the inquiry made on a former day, and, having furnished the information required from the departments, I will proceed to consider the bill under consideration.

An appropriation is required, of \$475,000, to pay the deficiencies in the navy expenditures for the year 1819. The appropriation for the navy for that year was signed on the 16th of February. The estimates had been made on the expenses that would be necessary under the existing laws. The deficiency has arisen from various causes. The Senate, being informed that the estimates for the naval service had not gone through the corrective of the navy commissioners, applied to them for in-

formation, and, in consequence, reduced the amount of some of the items, increased others, and, on the whole bill, made a reduction of \$400,000. On the 3d March, at the last hour, two bills passed; one to suppress piracy, the other to prevent the trade in slaves, and directed the President to employ the navy of the United States in carrying into execution those highly important laws; but the framers supplied no means, made no appropriation, to enable the President to fit, arm, and man the vessels intended for that service. There were, then, no means in his power, except those under the general appropriation bill of 16th February, and they have (as must have been foreseen) proved inadequate. In the merchant service the rule is, "break your owners rather than break your orders." This rule might be very dangerous in Governments. The President obeyed the laws, no doubt under a well-founded confidence that Congress would appropriate the money necessary to carry into effect their own acts. He might have declined, and have told us, you made no appropriations, and, therefore, I have done nothing towards carrying into effect those two important laws. He has acted a more magnanimous part, and has assumed a responsibility. In obedience to the law, he put into commission the Constellation, Enterprize, three schooners, and two gunboats, and he has caused to be repaired and ready for service the Cyane; that vessel was taken from the British, was very rotten, and has cost nearly as much as a new vessel. He also has employed the Hornet (not contemplated in the estimate) in going to and from Spain, on the subject of the treaty. In addition to those expenses, he has caused the Columbus to be prepared for sea; he has prepared masts and spars at the different navy yards to be ready in case of accidents; he has sent stores for six months, and 2,000 barrels of provision, to the Mediterranean; and bills to an unusual amount have been drawn by Commodore Stewart and the navy agents on our bankers in London, who are actually in advance for the Navy Department \$206,000, for which we are now paying interest—an advance that they never ought to be subject to, and which has arisen from the funds having been diverted to carry into effect the two laws alluded to.

I trust, Mr. Chairman, I have given satisfactory reasons to show that the extra expenditures in the Navy Department have been indispensable, and that the bill ought to pass.

Mr. Storrs said, that, having had the honor to ask of the chairman of the Committee of Ways and Means the explanation which the honorable gentleman had furnished to the House, he was entitled to his thanks for the information which he had given of the construction which had been put on the law of 1809. Having recently had occasion to examine the mode in which the appropriation accounts were kept, he was not surprised at the nature of this extraordinary interpretation of the power of transfer from one specific appropriation to another. He had determined to bring the subject into notice at the first opportunity, and the information had been asked that the House might be officially informed of the extent of the

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practice under the law of 1809, and that, after a full knowledge of the evasion of the law of 1795, the evil might be corrected. He did not, however, expect to hear, and was indeed surprised to learn, from the documents which the honorable gentleman had produced this morning, that repayments into the Treasury had been carried back to the credit, and been considered as increasing the funds of the departments for whose use the original appropriations had been drawn out. The original introduction of such a practice was justified by scarcely a semblance of authority.

The law of 3d March, 1795, provides that, in regard to all sums remaining unexpended upon any appropriations, (except those relating to the public debt, or where a longer duration was specially assigned,) for more than two years after the expiration of the calendar year in which the act of appropriation shall have passed, such appropriation shall be deemed to have ceased and been determined, and the sums so unexpended shall be carried to the surplus fund. The proviso to the first section of the act of March 3, 1809, authorizes the President, in the recess of Congress, to direct that a portion of the moneys, appropriated for a particular branch of expenditures, be applied to another branch of expenditure in the same department. The chairman of the committee now informs us that the practice has been, that the moneys appropriated for the use of the army and navy are respectively drawn from the Treasury, on the warrant of the heads of the departments, and placed in the hands of the Treasurer of the United States, as agent for the respective departments; that, when once drawn out on these warrants, such moneys are no longer considered as in the Treasury; and, although large balances of these appropriations may remain unexpended for any indefinite length of time, are deemed to be exempt from the operation of the law of 1795, but may remain in the Treasurer's hands for years, subject to be brought forward under the power of transfer, and collected into a fund for the use of the departments, as exigency or convenience may require. This practice, said Mr. S., so far from being consistent with the object and execution of the law of 1795, is directly opposed to its manifest intention and spirit. The distinction between balances in the Treasury and in the hands of the Treasurer, is totally unwarranted by the statute. It does not relate merely to balances remaining undrawn by warrant from the Treasury; its terms are general and unqualified, and include any sum remaining unexpended, without reference to its intermediate transmission to the departments, or to any regulations which might be adopted in the mode of keeping the public accounts. After two years, these balances cannot be reached by the power of transferring appropriations; for the letter of the act expressly declares that after that period such appropriations shall be deemed to have ceased and determined. No such appropriations, therefore, exist, on which the power of transfer could operate. The practical effect of the administration of the finances, under the system which has been thus introduced, has rendered the law of 1795 little else than a dead letter. If

gentlemen will examine, they will find that, while for several years past large balances have been brought forward and expended, the product to the surplus fund, from the source of unexpended appropriations, has been scarcely an item of the account. The framer of the law of 1795 could never have conceived its practical inutility by this perversion of its spirit. So pertinaciously has the error been persisted in, said Mr. S., that I have been informed that a former Secretary of the Treasury, on a consultation with him by one of the heads of department, relative to the disposition of large balances, which at one time had accumulated, answered, that he knew of no method by which they could be legally or regularly brought back into the Treasury, and that the only way in which they could be disposed of, was to disburse the moneys, *volens volens*, for the uses of the department. It is the duty of the House to interfere and check the abuses to which such a system tends. In the hands of a profligate and corrupt administration, (and we have no reason to believe that we shall hereafter be exempt from the common lot of nations,) the accumulation of these funds may enable them successfully to defy even the power of Congress. For one, I will trust no administration with pecuniary resources beyond the annual appropriations voted by this House. There are many considerations which might be urged, and I hope successfully will be, against the practice which is now developed, when this subject shall be brought before us for legislation immediately in relation to it.

Sir, said Mr. S., although the honorable chairman of the Committee of Ways and Means has disclosed that branch of our system of public expenditure which relates to the power of transfer, yet there are other subjects intimately connected with it which deserve our attention. The only clue which is furnished to the House, by which the amount of these balances at any period can be discovered, is the account annually rendered by the Heads of the Departments, in pursuance of the act of 1809. But, as if, by the most singular fatality, the whole system was intended to elude all our vigilance and sagacity, these balances are by the act directed to be made up to the 30th day of September, in each year. While we appropriate for the dominical year, the fiscal year commences and ends on the 30th of September. The consequence of this variance between them is, that the annual accounts of the Departments rendered to Congress fall three months short of the commencement of the period of appropriations for the ensuing year, and at the same time extend back and include three months' disbursements of the appropriations made two years before the rendition of the account. If we undertake, therefore, the examination of the account for the fiscal year preceding this session, we shall find that it includes the disbursement of the last annual appropriation during six months only. Although balances may appear to be standing in the books on the 30th of September, it is doubtful whether any such balances exist on the 1st January succeeding—at least, the House have no documents by which it may be determined. It

might often be highly expedient that the balances of appropriations of certain descriptions, as they exist at the commencement of the year, should be deducted from the new appropriations. The House had no means of ascertaining the propriety of that course. It was indeed time that the Committee of Ways and Means, in making up their estimates, might be enabled, by diligent and close inquiry at the public offices, to determine with some degree of certainty the amount of deduction which it might be prudent to make; but the accounts should be so kept and rendered, that every member could easily understand and comprehend the operations and results of the whole system. It should be reduced at least to such simplicity, that not only the appropriations of one year might be precisely compared with the expenditures of the same year, but that the expenditure under each appropriation might be distinctly traced. This could not be done so long as the accounts of the expenditure of successive years were continually running into each other; much less could the expenditure under the appropriations be satisfactorily traced, while the transfer of old balances to the new appropriations continued to increase the perplexity. In regard to appropriations of a permanent character as to their objects—such as fortifications or arsenals—it might be, and properly was, inseparable from their execution, that the balances of such appropriations should remain, and the result would necessarily be, that the appropriations would in some measure be cumulative; but, as to the other appropriations, not of that description, a different rule should be adopted. The accountability of public agents was more perfectly secured in proportion to the simplicity of the public accounts and the frequency of settlements. As the system was now organized, all satisfactory examination of the accounts seemed to be denied to the keenest sagacity or the most penetrating ingenuity. There was, indeed, one document, which was distributed annually to the members of the House, by which the amount drawn from the Treasury on warrants in each year might be determined—he referred to the book of receipts and expenditures—but even the partial light furnished by this book was of no use; for, unfortunately, it was distributed some two or three years after the expenditures had been completed. The latest which he had received, comprised, he believed, the expenditures of the year 1817. It might have been of some aid, had it been distributed to the members of a former Congress; but, to this, the *Almanac* of that year might have been laid on our tables with about as much practical utility.

Sir, said Mr. S., let me not be misunderstood. I am happy to find that the system which is now developed neither originated nor was perfected under the present Administration. It is not, therefore, with a view to censure it, that I have thus freely expressed my views. From what source it may have sprung, from what hands it may have originated, or at what period it may have been introduced, is perhaps immaterial now to examine. Satisfied as the House must be that a reform is imperiously necessary, I hope that, after the bill now before us shall have passed, our early atten-

tion will be directed to a salutary correction and revision of the system.

Mr. MERCER said, as the remarks of the honorable chairman of the Committee of Ways and Means had been evidently designed as a reply to the question which he had the honor of putting to him on a preceding day, it became him, Mr. M. said, to address, on his part, some explanatory observations to the committee.

It had been no part of his intention, Mr. M. said, to impute blame to the Executive for what had been done in relation to the slave trade, but rather to complain of what had been totally neglected, or too long delayed—the execution of the act of the last Congress providing additional restraints upon that detestable traffic. He had been urged to make this complaint, by the fact, which he well knew, that no squadron, not even an armed vessel, had yet sailed for the coast of Africa, although he had heard one of his honorable colleagues declare it to be his intention to move the repeal of the act of the last Congress on account of the expense to which it had put the nation; and a clause in a late report of the Secretary of the Navy seemed to furnish some color for such a motion. He wished, Mr. M. said, to sustain, not to condemn the expenditure, which, it now seemed, has been incurred for this purpose; to prove that it was authorized by existing laws, and that, if, in the application of the public money, the naval expenditure for the current year has exceeded the general appropriation to that instrument of national defence, such excess is imputable to any other branch of that expenditure, equally with that on which it has been specifically charged in the course of the late debate.

In addition to the detailed history of the origin of this act, which had been given to the House by his honorable friend (Mr. FLOYD) on yesterday, Mr. M. said he had not forgotten, and should ever take pride in remembering, that, in the passage of that act through this House, he had, almost unassisted, to encounter opposition from various quarters, and especially from the honorable member who now presides in this committee, (Mr. NELSON,) and from another of his honorable colleagues.

The honorable member from Maryland had said, doubtless with the intention of embracing him, "that the friends of this act had their objects in view."

They were, sir, most palpably expressed by the act itself—to put down that detestable traffic, which, attracting to its support the most profligate adventurers of our own country, along with the outcasts of the whole world, has borrowed, within the present year, the flags of Portugal and Spain, to spread its ravages to an almost unprecedented extent.

I do yet complain, said Mr. M., that, since the passage of the act designated to terminate for ever this abominable commerce, nine entire months have been expended in ineffectual efforts to fit out a small squadron to sweep the coast of Africa of these violators of all human rights. But, while I do most positively deny that a sufficient, or, indeed, any apology whatsoever, can be found for this delay in the alleged defects of the act in question, I

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do certainly contend that no reproach can attach to the Executive for the appropriation made to the repairs of the squadron destined for this service. If the honorable chairman of the Committee of Ways and Means will allow me, I will furnish what I deem a better defence of this application of the public money than he has himself supplied.

The act of the last Congress placed the whole Navy of the United States at the disposal of the President, for the purpose of capturing every American vessel which might be found engaged in the African slave trade. It neither enlarged nor diminished the general appropriation to the maintenance of the Navy of the United States. The act, passing as it did with the support of a large majority of this House, and the almost unanimous voice of the Senate, certainly contained a recommendation to the President, to employ a part of the naval force of the country in the service pointed out by the act itself. But the President of the United States is, under the Constitution, and independent of our authority, Commander-in-Chief of the Navy as well as of the Army of the United States, and bound to employ both in the execution of the laws. We have long had a fleet in the Mediterranean: but where is the specific appropriation to the maintenance of that squadron? Any excess of expenditure, of the description of that which has given rise to this debate, is as properly chargeable upon the Mediterranean squadron, as on that destined, as he was happy to hear, for the coast of Africa.

If the general naval appropriations shall not suffice to defray the expense of both services; if these two objects shall ever become rivals in the Executive favor, it rests with the President, as Commander-in-Chief of the whole Navy, to choose between them; although I confess my total inability to perceive why those squadrons, intended for the northern coast of Africa, should not scour the western shore of the continent, as well in their return home as in their outward voyage. The security of our commerce, and the honor of our Navy, cannot be more effectually promoted, than by the occasional display of its flag, in achieving the labor of humanity, required of it by the last Congress. It will evince to the world, in this employment, that our profession of abhorrence towards a traffic so long the disgrace of Europe and America, is not hypocritical—as cheap as it is insincere.

Allow me, Mr. Chairman, to question at least the policy of exposing, for so long a period, the character of our Navy to the seductive influence of Italian skies; and to remark, with some regret, that the only addition which it has recently made, to a renown most gloriously earned, arises from infractions of our laws, and outrages upon those of other nations.

Mr. Chairman, said Mr. M., I did not rise to enter upon the other questions which have grown up in the course of this debate. I should not have risen at all, but to vindicate an act of the last Congress, the repeal of which I have heard threatened, and which is yet and will ever remain dear to my heart. Before I resume my seat, how-

ever, allow me one further remark on the doctrine as it has been recently explained, of specific appropriations. Its origin was contemporaneous with an effort to impeach the integrity of some of those distinguished men who composed the Administrations which preceded that of Mr. Jefferson. An inquiry was, indeed, then instituted into the public expenditure, which terminated in their complete acquittal. Sir, this discussion brings to my remembrance a venerable name. That of T. Pickering will hereafter live in the recollection of a grateful country. And if my honorable colleague seated near me (Mr. RANDOLPH) ever entertained feelings of hostility towards this statesman, I well remember that he amply atoned for it, by a compliment, of which I almost envy this great man; and of which it may be questioned whether it reflects greater honor upon the merit which received, or the justice and candor which bestowed it. I had, indeed, sir, rather repose beneath a simple stone inscribed with this brief memorial, "Here lies the friend of Washington," than have my poor remains protected by the proudest monument that ever attracted the admiration, or was bedewed by the tears of man.

After Mr. MERCER had concluded—

Mr. CLAY rose. He said he had entertained the hope that the gentleman from New York, who had first spoken on this subject, would have moved that the Committee should rise, for the purpose of having the papers, which had been laid on the table, ordered to be printed; for, unquestionably they disclosed a state of facts very contrary to any he had supposed to exist, and which, in his judgment, demanded the interposition of the House. Whilst on the subject of laying papers before the House, he would remark, by the way, that a looseness of practice prevailed, which he regretted to see. An honorable gentleman from Tennessee, the other day did us the favor, said he, to read to us a communication which he had occasion to make to an officer of the Government with the answer he had received; and the House must recollect the monosyllabic replies to the long interrogatories put to him. To one question, the answer is Yes! to another, No! and, again and again, Yes and No; and this is the sort of communication laid before this House for it solemnly to legislate on. It was proper to say, in justice to that officer, however, that he had not probably contemplated the exhibition of the document to the House—but it was read; and, to-day, the honorable gentleman from Maryland (Mr. SMITH) had laid before the House several documents, one of which was an argument, without date or name, for the guidance of the House in deciding a question of great public interest. This, he repeated, was a looseness of practice, which ought to be corrected. He hoped the Committee would rise, that the papers might be printed, as they disclosed facts perfectly new to him, and unexpected. The law of the land, he said, required, in regard to appropriations, that those which remained unexpended for two years should be carried to the credit of the surplus fund, and thus be brought again within the power of the Legislature. Was it ever contemplated, he asked,

by the Congress who passed that law, or in the expectation of any member of the House, that this law would be evaded, by withdrawing the fund from the power of the Treasury, and placing it in the hands of the Treasurer, and thus reserving to a particular department, or to the Executive branch of the Government, the power to apply this money at its pleasure, within the limitation only that it be applied to some object consonant to the character of that for which it was originally appropriated? But was it not more strange, if possible, that whilst, by this transfer from the Treasury to the Treasurer of the Fund, it was withdrawn from the former, still, under another provision of law, it is yet in the power of the Treasury Department, and by a transfer is subjected to its disposal? By being withdrawn from the Treasury under one statute, it would have been thought to have been equally taken out of its reach under the provisions of any other statute. But this, it appeared, was not the practice of the Treasury. He was far from intimating, or thinking, that any serious abuse existed, except that of the statute, which certainly ought to be repealed or modified.

But we are told, said Mr. C., by the worthy gentleman at the head of the Committee of Ways and Means, that Congress is, session after session, regularly notified of these transfers. I protest against the conclusion because Congress has been silent on the subject, they have assented to the practice in question, when, perhaps, not ten members of this whole body knew of it. There was one conclusion, he said, to which the mind was drawn on the subject, viz: that men should not be too confident of their fellow-men in their use of power; but they should, on the contrary, be watchful, and particularly on the all-important points which relate to the sword and the purse of the nation. With respect to the practice which appeared to call for the reprehension of Congress, Mr. C. said he knew of no mode but one for remedying the evil, which he hoped the proper committee would hasten to lay before the House in the shape of a bill, and that was, to prohibit the practice for the future.

This, however, Mr. C. continued, was not the only topic which he thought demanded the attention of the House. He referred to another practice, at least equally worthy of reprehension—the exceeding of appropriations; the going beyond the expressed will of the Legislature, as to the amount of expenditure. Had it occurred but in a single instance, he should not, perhaps, have taken notice of it; but there was a habit, arising under the Government, of transcending the law, which called on Congress to protest against this abuse of power. The Convention which framed the Constitution, in order to guard against the abuses to which all history shows us that Governments are prone, intended to put into the hands of Congress two securities—the one the power over the sword, the other over the purse of the nation. What has become of the first of these powers, said Mr. C., let the doctrines asserted on this floor at the last session attest. Are we to lose our rightful control over the public purse? It is daily wrested from us, under high-sounding terms, which are calculated to

deceive us, in such manner as appears to call for approbation rather than censure of the practice. So extended was the practice, he said, that there is scarcely an officer, from the youngest menial in the service of the Government, upwards, that does not take upon himself to act *upon his responsibility*. Mr. C. said he admired the assumption of responsibility; but it was of responsibility within the Constitution. That which exceeded all authority, which prostrated at will the laws of the land, he confessed, did not suit his taste. Reverting to the power given to this body by the Convention, over the purse of the nation, he said it was remarkable that, so anxious had the framers of the Constitution been on that subject, they had inserted in it not a single provision, but two clauses respecting it. The first was, that no money should be drawn from the Treasury without previous appropriation by law; the other was, that all bills having for their object to lay a tax on the people, should originate with the representatives of the people. Now, let me ask, said Mr. C., where is the difference between drawing money from the Treasury, and making an unauthorized expenditure, which imposes on Congress a moral obligation to appropriate money to pay it? The difference, he said, was in name only. He called upon members to say, when an expenditure had been made by the Government, even though they would not have previously authorized it, if they did not feel themselves bound to make good the deficiency—to pay for the supplies purchased, or money anticipated, merely because the expense had been incurred. If this habit of unauthorized expenditure was persevered in by those who have the care of the public moneys, Congress and the nation would entirely lose the benefit of the Constitutional provision, that no money shall be drawn from the Treasury without previous appropriation by law.

Again, if, by a previous expenditure, there was devolved upon Congress a moral obligation to pay away the public money, he asked where was the difference between the making such expenditure and imposing taxes on the people of the country? The one necessarily involved the other. Let me refer, said he, to the honorable gentleman from Pennsylvania, the Representative of what has been frequently, and not improperly called the Birmingham of America, to say, whether a member does not feel himself constrained to vote for appropriations where the money had been expended, which he would not have previously authorized to have been expended. For abuses of this description, he knew not what remedy to suggest. He had thus adverted to them for the purpose of entering the protest of at least one individual against them.

It behooves us well, said he, and especially after the deficiency in the revenue of which we are apprized, to take care of our expenditures for the future. Our purse is reduced to rather a melancholy condition; having parted with all the big notes and large money, we have gotten down to the tattered rags and fourpence-halfpenny bits. It was true, that Congress had in some degree participated in the large expenditures which had caused the present deficit; but such appropriations had been

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generally made on Executive recommendations, for there was no resisting them. For example, the Revolutionary Pension bill, which had introduced an annual expenditure of three millions of dollars. The honorable gentleman from Massachusetts, (Mr. LINCOLN,) who addressed the House the other day on the subject fervently, and he might say piously, expressed a wish, in regard to the soldier of the Revolution, that he might live forever. I wish, sir, said Mr. C., that he may live as long as it may please God to let him live; but I hope the gentleman would consent to compromise for the term of nine hundred and ninety-nine years for the duration of his existence. These expenses show a want of forecast amongst our predecessors, and I take to myself my share of the blame. It becomes us to guard against it for the future, by every examination and detection of abuses; by every corrective and every preventive which the Constitution has furnished Congress the power of applying. He wished, he said, the House could have an opportunity of deliberately examining the papers; but, fearing he might obstruct the passage of this bill, for the appropriation of only half a million of dollars for the excess of expenditure in one department of the Government, he should not himself move that the Committee should rise. But, said he, it is proper, before we take a leap in the dark, to know on what ground we stand.

Mr. RANDOLPH then moved that the Committee should rise. It was no part of his purpose, he said, to enter into the merits or demerits, more correctly speaking, of the question now before the House, but to state a fact, which he hoped every member of the Committee would bear in mind throughout the whole of this discussion; that this abuse, which had been so eloquently exposed to the House, had not extended as far back as the administration of Thomas Jefferson; during the whole of which no such practice had obtained at the Treasury or elsewhere. The practice, he said, grew out of that celebrated law of March 3, 1809, which had been before referred to in debate; that famous, or, to speak freely, but correctly, that infamous law, which without any fear of correction, from any side of the House, he pronounced to have been the offspring of a dirty intrigue. During the whole of the administration of Thomas Jefferson, there had been no occasion to resort to any such law; and, at that period, no such practice prevailed as had since grown out of that statute. During the greater part of that period, Mr. R. said, such was the access which he had to the Treasury, and such the duties imposed upon him by this House, he spoke of his own knowledge, and fearlessly, in saying the expenditures had been generally within the appropriations; no sum appropriated to one object had ever been diverted to another; but, at the end of two years after its date, every appropriation, for reasons to be found in the Constitution itself, did, by the operation of the act of 1795, cease and determine.

Mr. R. said, he rose to state this fact, and to request, whatever censure gentlemen might choose to throw on the financial administration of the nation, he hoped they would except that period—a

period in which the nation had made one of its most expensive acquisitions, by the purchase of Louisiana; and, if his memory did not much deceive him, the Secretary of War contrived, without any of this hocus pocus legerdemain of transferring appropriations, to take possession of the country without any extraordinary expenditure in the Military Department. At that time, Mr. R. said, we maintained about three thousand men, at an expense of about nine hundred thousand dollars per annum. Compare the expenditures at that time with the expenditures on the same objects now, and making every allowance for the advance in the price of the articles of subsistence, &c.—in other words, for the depreciation of our miserable paper money, a large amount might be carried to the credit of the Administration of which he spoke.

Mr. LOWNDES made a number of remarks on the subject of the practice of the Government in regard to appropriations, &c. He also touched on the point of relative expenditures of the period of Mr. Jefferson's administration, and those of the present day; and denied that the contrast between them was such as had been represented.

Mr. TRIMBLE, of Kentucky, rose for the purpose of giving some explanations on a point which, if the House separated without explanation, might be misunderstood. It was not his object to justify the manner in which the public moneys had been expended by transfers from one item of appropriation to another, but to show that the fault originated not in the departments of the Government, but in this House; and, if here, some excuse at least would be found for the practices elsewhere, which had been complained of. It was almost impossible for the departments to make their estimates for the expenditures of the following year, or to show the balances in hand, unless the period at which these returns were made was changed. Owing to the circumstance of warrants being drawn for expenditures in distant parts—Orleans, Mobile, St. Louis, &c.—it was impossible to do it; neither could the balances in hand be distinctly ascertained until the amount of expenditure was known. If gentlemen desired a remedy, it must be by having the estimates made out at the last of February, instead of December, in each year. By that time most of the warrants drawn under the various heads of appropriations would have been brought in, and the balances in hand could be ascertained, and the estimates for the future made up, with a reasonable certainty, which might satisfy the House.

It had been said, in reference to the bill before the House, that the estimates ought to be made out somewhat more correctly than they appear to have been heretofore. At the commencement of the year, when the appropriation for the service of the Navy for the current year was made, Congress had appropriated less, by four hundred and four thousand dollars, than the amount estimated by the Department. If the whole amount asked had been then appropriated, there would have been no deficiency. It was not very reasonable, therefore, to complain so bitterly now of that deficiency. The

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only incorrectness which he could discover in the practice of the Government, if any, was in the mode of making transfers. For other things to which exception had been taken the fault lay with this House, as he had already said, and not with the officers of the Government.

It had been observed, that the relative expenditures of the Military Department, &c., had been much increased since the period of Mr. Jefferson's administration. Upon a very close comparison of the expenditures, it would be found, that if in some respects the rate of expenditure is increased, much is gained by its diminution in others. For example, during that very period, Mr. T. said, the Military Peace Establishment was so organized that there was one officer to every twelve men composing it: at this time, there was but one officer to every sixteen men. The expense was indeed greater then, in proportion to the number of the Army, than was now required. The gentleman from Virginia shakes his head, said Mr. T., but I am perfectly certain I am not mistaken, because I have the authority of the Secretary of War for saying so. But, suppose it were the reverse; a given number of dollars would not purchase the same quantity of clothing, subsistence, &c., now as then. He was yet under the impression, however, unless corrected, that the expenditure for the Army was proportionably less now than it was in 1802-'3-'4.

Mr. T. said, he did not see the force of the vehement objections to the transfers of appropriations. To familiarize the matter, suppose an officer of the Army had in one of his pockets money for the pay of his command, and in another for its subsistence—the money for pay is unexpended, and funds for subsistence were wanting: What was the officer to do, having money in one hand, but not in the other? Was the public service to stop until he balanced his accounts, and drew more money for the object that was deficient?

Mr. T. repeated, that the only remedy for the real evil—the difficulty of making accurate estimates of the amount necessary to be appropriated—was to be found in a provision by Congress for having the estimates made up at a later period of the session than the present.

Mr. RANDOLPH made some remarks in reply to what had fallen from Mr. LOWNDES, for whom, he said, great respect was a sentiment so general in the House, that it would be a supererogatory act to declare it. Having concluded his remarks in reply to Mr. L. and others, Mr. R. said that gentlemen entirely mistook him, if they supposed that, knight-errant like, he had come tilting here to break a spear with Powers and Principalities. Nothing was further from his intention. But, he said, there were certain signs in the political horizon which he hailed with some degree of pleasure. He had some hopes that the term of twenty years is our political cycle, and that we are coming back to the good old times of responsibility and specification. Mr. R. concluded his observations by a few remarks on what had fallen from Mr. TRIMBLE; in the course of which, he denied that pro-

visions and the great staples of the country bore a higher price now than at the period of 1802, &c.

At this stage of the proceedings, the Committee rose, reported progress, and obtained leave to sit again.

Mr. LOWNDES submitted for consideration the following resolutions, which, during the preceding debate, he had indicated his intention to move:

1. *Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law, that the Secretary of the Treasury shall be required to add to his estimates of the new appropriations which may be required for each year, a statement or estimate of all the appropriations and unexpended balances of appropriation, either in the Treasury or in the hands of the Treasurer, as agent of the War or Navy Department, which may have been made by former acts, and may be subject to the disposition of the Executive Government within the year to which the estimates apply.

2. *Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law, that whenever any moneys shall have been "ordered for the use" of the Department of War, or of the Navy, by warrant from the Treasury, such moneys, or any part thereof, which shall remain unexpended in the hands of the Treasurer for one year after the date of such warrant, shall be carried to the account of the surplus fund.

Mr. RANDOLPH having indicated an intention to propose an amendment to the resolutions, (embracing a repeal of the act of March 3d, 1809, which authorizes the transfer of appropriations from one object to another in certain cases,) and Mr. LOWNDES having briefly remarked on this proposition—

The resolutions were, on motion of Mr. TRACY, ordered to lie on the table.

WEDNESDAY, December 29.

Mr. SMITH, from the Committee of Ways and Means, made a report on the case of William Coffin, and others, accompanied by a bill for their relief; which was twice read, and committed.

Mr. WHITMAN, from the select committee appointed on the subject, reported the joint resolution for the further distribution of the Journals of the Convention, &c., with some amendments, which were severally agreed to; and the resolution, as amended, ordered to be engrossed for a third reading.

The SPEAKER laid before the House a letter from the Secretary of War, communicating a statement of moneys transferred from one specific appropriation to other specific appropriations, showing their application, &c., during the recess of Congress, by authority of the President of the United States, under the act of March 3, 1809.

Mr. FLOYD moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of including the whole of the counties of Montgomery, Grayson, Monroe, Bath, Pendleton, and Giles, within the western district of Virginia, and of changing the times of holding the courts within the said district.

Mr. MCCOY moved to strike out the counties-

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named, and to insert, in lieu thereof, all that part of the State of Virginia which lies west of the Blue Ridge.

On the suggestion of Mr. RANDOLPH, the motion was laid on the table.

The House then, on motion of Mr. LOWNDES, proceeded to consider the resolutions offered by him yesterday.

After offering a few remarks to elucidate the object of the modification he wished to propose in the first resolution, as well as on their object generally, Mr. LOWNDES modified his first proposition to read as follows:

1. *Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of providing, by law, that any moneys, although "ordered for the use" of the Department of War or of the Navy, by warrant from the Treasury, which shall remain unexpended in the hands of the Treasurer for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, shall be carried to the surplus fund, as they would be if not ordered for the use of such departments, excepting always such moneys as may be appropriated for a purpose for which a longer duration is specially assigned by law.

The second resolution was then read, and with the first, as amended, agreed to by the House.

Mr. WARFIELD offered the following resolution for consideration:

"*Resolved*, That the Committee for the District of Columbia be instructed to report a bill, for the purpose of procuring suitable apartments for the accommodation of the circuit court of the county of Washington, in the District of Columbia."

Mr. W. observed, that it was customary for the United States to furnish accommodation for their circuit courts in the States where it was necessary; this was the case in Boston, and he presumed elsewhere. He would not say whether the United States were bound to make the same provision for the people of this District, or of this county, but when the committee shall report the bill, the whole subject would be before the House, and it could then take such order on it as should seem most proper.

The question was then taken on agreeing to the resolution, and negatived. So the resolution was rejected.

The House resolved itself into a Committee of the Whole, on the bill allowing Sarah Allen the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his services as a private in the late war. The bill was reported without amendment. The question was then stated, Shall the said bill be engrossed, and read a third time? Whereupon it was recommitted to the Committee on the Public Lands, with instructions to inquire into the expediency of providing, by a general law, for all cases similarly situated.

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The House then resumed the unfinished business of yesterday, and resolved itself into a Committee of the Whole, on the bill making an appropriation

for the support of the Navy, in addition to the appropriation of the last session.

Mr. STORRS moved to amend the bill by inserting the following as a new section:

"*And be it enacted*, That the sums appropriated by this act shall be solely applied to the objects for which they are respectively appropriated, and to no other, notwithstanding the authority vested in the President of the United States by the first section of the act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, passed on the 3d day of March, 1809."

This amendment was agreed to—yeas 68, nays 59.

Some remarks were then made, pro and con, by Messrs. RANDOLPH and SMITH, respecting the origin of the law of March 3, 1809, which contains the provision for transfers of appropriations, and respecting the difference of opinion which existed between the Senate and House of Representatives concerning it. Among other things, Mr. RANDOLPH said he spoke from personal knowledge when he said there existed, on the part of the then Secretary of the Treasury, the most decided repugnance to the provision respecting transfers of appropriations; and he trusted, notwithstanding what had fallen from the gentleman from South Carolina (Mr. LOWNDES) on the subject, the time would come, if it had not now arrived, when it would be struck from the statute book.

Mr. CANNON, of Tennessee, spoke in explanation of an allusion made by Mr. CLAY to the letter from the Paymaster General, which he had quoted in the debate the other day. It was due to that officer to say, that the answers which he had given to Mr. C.'s questions were such as he wished, and such as time permitted, and made in a manner, so far from reflecting discredit on that officer, perfectly correct and satisfactory to Mr. CANNON.

The Committee having rose, and reported the bill to the House, with the amendment which had been introduced on the motion of Mr. STORRS, and the question being on agreeing to that amendment—

Mr. BRUSH, of Ohio, said he hoped the House would not concur in the amendment which had been made in Committee. It is, said he, obviously unnecessary. The appropriation contemplated by the bill is for specific sums, to meet expenditures which have exceeded the appropriations for the last year. The excess became necessary in consequence of service required to be performed, and duties enjoined by law, for which no adequate means were provided.

A little attention to dates, and the language used in the acts referred to in debate, as the ground of objection to the bill, and the cause for introducing this amendment, will manifest that gentlemen are mistaken in their construction of those laws. They seem to imagine it to be now the duty of the Secretary of the Treasury to carry to the surplus fund unexpended balances of money or appropriations already drawn from the Treasury, and in the course of expenditure in the department. The act of 1795, making further provision for the support of public

credit, and for the redemption of the public debt, does not reach this case. It is the 16th article which relates to the subject, and provides for carrying the unexpended balances of appropriations to the surplus fund; in these words: "That, in regard to any sum which shall have remained unexpended upon any appropriation (other than, &c.) for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated the Surplus Fund." The Secretary of the Treasury must perform this duty, and execute the legislative will in this particular, by carrying the sums so long unexpended to that fund. The first section of the act of 1809, "further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," declares—

"That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged. The moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the Comptroller of the Treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the Accountants of the War and Navy Departments, respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons who may be receivers of public moneys, shall render distinct accounts of the application of such moneys, according to the appropriation or appropriations under which the same shall have been drawn; and the Secretary of War, and of the Navy, shall, on the 1st of January in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the 30th September preceding, have been by them respectively drawn from the Treasury, in virtue of the appropriation law of the preceding year; and the sums appropriated by law for each branch of expenditure, in the several departments, shall be solely applied to the objects for which they are respectively appropriated, and to no other."

Upon this change of the policy in relation to specific appropriations, and the specific application of them to definite objects, and the alteration made by this law as to the manner of drawing the sums appropriated from the Treasury by warrants, and charging the moneys so drawn in the books of the Accountants of the Departments respectively, and by requiring the Head of each to render and report accounts, and their administration of these funds, the conclusion was inevitable—it was the only one which could be made—that, as by so drawing the moneys from the Treasury, they would be removed and taken from the power and control of the Secretary of that Department, his authority of carrying the unexpended balances of such appropriations to the surplus fund was withdrawn in all cases where the moneys had been so drawn from the Treasury by warrants from the other depart-

ments. Such moneys were not then unexpended in the Treasury. Drawn out, they were in a course of expenditure, as much so as if paid over to any subordinate officer—the paymaster, for instance—of either department, to be disbursed in payment to the Army or Navy. If a balance remained unexpended in the hands of a paymaster, could the Secretary carry that to the surplus fund? How should he know the fact, and the amount? The Secretary adopted the correct principle of considering the money expended when thus drawn from the Treasury; and the practice of disbursing the same, as agent of the departments, upon their orders, was convenient and administrative, according to the spirit and letter of the law. He could not officially know that the money, or any portion of it, remaining in his hands, as such agent, was unexpended. The law did not authorize him so to consider it. The expenditure could only be known in the department to which the money belonged. It would be expended by engagements made or debts contracted, though not actually paid, in fulfilment of such engagements, or to the satisfaction of such debts, being bound for that object. It is impossible, therefore, the Secretary of the Treasury could know when the money was expended, or what remained unexpended, otherwise than by the warrant in virtue of which it was drawn from the Treasury. With that, his responsibility and duty terminated, and his authority and control over the money ended. Moreover, the officers respectively were directed to report to Congress, from time to time, the situation of those funds, that, if their pleasure, they might translate the application to other objects. In the recess, the President is very properly vested with that authority, by the proviso to that 1st section of the act—now called infamous in the law, as having been improperly obtained. Be that as it may, I think it a good provision, necessary to the attainment of the legislative intent, and the accomplishment of their objects. Wisely and discreetly exercised as that discretionary power seems to have been by the Executive—at least the contrary is not suggested—I am utterly unable to perceive the danger which gentlemen apprehend, that by it a fund may be accumulated for illicit or ambitious projects.

It is enough to refute the supposition that the disposition of these funds is a part of the legislative duties of Congress; that they must be made acquainted with their situation every year, and may divert them from any dangerous application. The discretion thus vested to transfer from one object to another, in the recess of Congress, perfects the system, as it secures the end of the appropriation, at the same time that it provides against any possible misapplication by the departments. I cannot persuade myself to believe the act of 1809 was approved by the Executive then in office without knowing its contents; that he signed without reading it, and thus finished his administration by overturning his own policy. There is more reason to believe he viewed it as the perfection of that system. Thus interpreted, the practice under this law has been uniform,

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known and approved by the Congress, for nearly eleven years.

Their repeated acts of appropriation since, without any such provision on the subject as is contemplated by this amendment, without any expression of their will to the contrary, may be considered legislative sanction of the interpretation and practice of the Executive Government. During all that time no proposition, as I can learn, was ever made to modify, alter, or repeal this provision in the law—gentlemen had an opportunity. If bad in the beginning, and dangerous now, how has it so long escaped the scrutiny and vigilance of the Legislature? This amendment proposes to alter the policy and practice in a particular case, in relation to *one* department, and implies a reflection upon that department and the Executive. In effect, it is an expression that there is reason to apprehend the Administration will not be faithful to themselves and to their country if this provision be not inserted. If it is deemed expedient to change this policy, and the practice now rendered familiar and convenient by long and constant use, it ought to be done by a general law upon the subject, embracing the objects intended, and relating to every department, that it may become a system. Inserting it here implies a preference for one, or a want of confidence in the other. That expenditures have exceeded appropriations, is not a new thing, peculiar to this department; it has, perhaps, happened with all, and been frequent in the Government for many years; known to the Legislature, and not hitherto complained of. Why now select this department for this precision in legislation—this extraordinary circumspection? Acts of the last Congress, passed late in the session, intended to provide efficient means to suppress the slave trade and piracy, by authorizing the Executive to use the naval force of the country for that object, were made for the public good; and it was expected the duties enjoined by them would be performed. The expenditures which make this appropriation necessary, have been occasioned by that service, to which adequate means were not provided or furnished by the Legislature, and the fault lies with them if there be any. The faith of the nation may be considered pledged to provide the ways and means for this expenditure. I am disposed to meet this duty and perform it in the usual way, and shall vote against the amendment.

Mr. STORRS said, that he was not very tenacious of retaining, in this particular bill, the amendment which had been adopted, on his suggestion, in the Committee of the Whole—especially, as the opinion now appeared to be general, that some modification or restriction of the power of transferring appropriations was necessary and expedient. His object might perhaps be better attained by a general law applicable to all the departments. The resolutions offered this day by the honorable gentleman from South Carolina (Mr. LOWNDES) would lead, he hoped, to some amendment of the laws in this respect. But he could not withdraw the amendment in compliance with the reasons which had been urged by the honorable gentleman from Ohio (Mr. BRUSH.) The honorable gentle-

man objects to the restriction imposed by the amendment, because it might be construed to imply censure or import "a reflection" on the department. He did not admit the propriety or justice of such a conclusion in this case. The character of the gentleman who presided over the Navy Department was to him a satisfactory pledge that no abuses would be tolerated there with his sanction or knowledge; but he trusted that the House would never, from mistaken notions of delicacy or courtesy, decline to interfere, should it become necessary to check abuses or correct the misconstruction of the public laws. To whom does the honorable gentleman suppose the departments to be responsible, unless to the House of Representatives, at whose will they were created, and at whose pleasure they exist? At what tribunal would he have them answer for the public expenditure unless to this House? Are they clothed with such attributes that the House should refuse to exercise its right of controlling the disbursement of the public money in deference to their official sanctity. Would the gentleman wish us to forbear the exercise of our ordinary power of legislation lest the sensibility of the departments should be excited? The only course by which we can insure their respect is the firm and independent discharge of our duty to the nation. Even the agents to whom the execution of our laws is intrusted instead of respecting us for our servility to their views, would justly laugh at us for our tame subservience. Whatever may be the effect of our legislation, or whatever inference may be derived from it, this House he hoped would do its duty whenever a fit occasion was presented for reform in any branch of the Government.

The honorable gentleman farther insists on the unrestrained appropriation of this fund, said Mr. S., because (if I understand him rightly) the expenditure having been already incurred, without the authority of a law, the "public faith" is pledged to supply the deficiency for which this bill provides. Sir, said Mr. S., the idea which the gentleman has formed of what he has been pleased to term the "pledge of the public faith," differs very widely from mine. It is true, that it has become fashionable to disburse the public moneys without appropriation, and then claim its sanction by the passage of a law of indemnity, to cover the excess of expenditure; but the public faith, in the only true and appropriate sense of the term, is pledged in none of these cases. We have so often been told of this sort of pledge of the public faith, that I am tired of hearing this perversion of terms reiterated in our ears. The funds of this nation can, in no sense whatever, be pledged by any power of the Government, except with the previous concurrence of this House. All expenditures without our consent are unauthorized. Not even the Executive, much less the heads of departments, are vested with authority to prejudice the application of the public money. It is time, I fear, that we should travel back to the Constitution. The House of Representatives are the immediate guardians of the Treasury, and we have lately had too many of these dangerous appeals to this House to sanction anticipated objects

of expenditure. Our power will soon be frittered away, and our Constitutional discretion become merely ideal and visionary, if we listen tamely to this sort of doctrine. We are not sent here to record the edicts of the other branches of the Government, but to express the public will. The disposition of the public moneys is lodged exclusively in our hands, and to us has the nation confided the trust of protecting its revenue and resources against the designs or the abuses of power. We only can lawfully direct their application; and the safety of the nation depends on our faithful and vigilant discharge of that duty. Representing, as I believe I do, an intelligent and independent community, I cannot submit patiently to yield to other hands the protection of their interests. It is well worth our notice, that we are not only providing by this bill for expenditures made without appropriation, but that we have passed, in the same Committee of the Whole, a bill appropriating \$200,000 for advances also towards the supply of the army for the next year. During this discussion, a recommendation has also passed to the Committee of Ways and Means, through this House, from the Treasury Department, for an appropriation of \$100,000, for paying the deficiency in contracts for making the Cumberland road. At the last session we not only appropriated, for "claims due and becoming due under existing contracts," the sum of \$250,000, but, to put an end to the drain from the Treasury, produced by that object of expenditure, we also appropriated \$285,000 for "completing the said road." I confess that, for one, I never expected or hoped to be again asked for further appropriations for that purpose; but it is even so, the contracts were made, even previous to the last session, and we shall probably again be told that the public faith is pledged to meet the expenditure. Nor will this instance probably be the last, during this session, in which the appropriations have fallen short of the expenditure. It is time that we seriously reflected on the danger of these precedents. Continue to sanction them, and at the same time leave unrestricted the power of transfer, and this House may as well at once disarm itself, and place the disposal of the Treasury in other hands than those to which the Constitution has confided it.

Under all the circumstances under which the expenditure provided for by this bill was made, I shall vote for its passage. I wish, however, in my remarks, that my meaning should not be misunderstood. No feelings of hostility to the present Administration of the Government have prompted me to notice the subjects which have been introduced to the House on the passage of this measure. In all the measures of that Administration, which tend to promote our national prosperity, and to secure and perpetuate our Republican institutions, they shall receive from me, humble as my situation is, or feeble as my influence may be, a cordial and generous support; and I do not hesitate to say, that, however various our former views of public policy may have been, whoever looks around him at this time, and considers the sum of happiness which this country enjoys, compared with that of all other nations, and is not contented, is unfit to enjoy

the blessings of freedom under any Government whatever. But, sir, it is neither the part of friendship or wisdom to seek to screen their errors or connive at their faults. To render our Government respectable abroad, and inspire universal confidence at home, it is our part to protect its administration from abuse, and preserve its purity unsullied. At least, whether censure is implied or not, they have no reason to complain that the House should exercise even its most unpleasant but necessary duty, reforming every error which may have been either introduced during their time, or which may have been handed down, and been adopted from the practice of their predecessors.

Mr. BRUSH said, it was not his intention to impute to gentlemen; who supported this amendment, any design whatever, much less that which was supposed. I fully believe, said Mr. B., that the honorable gentleman from New York did not mean by it any reflection upon the department or Government; and, as none was intended, the appearance of it should be avoided, especially as there seems not to be any necessity for the provision. My objection against it on this ground was, that it had such appearance, and would be calculated to induce such belief. Laws are not passed without some motive or reason. They are always supposed to have some object in view, and the manner fixes the inference. If this goes upon your statute book, the obvious conclusion is that there was some necessity. The natural inference will be such as I have suggested, as it applies to one department, and not a general system for all, there being no reason for discrimination. The gentleman will not consider the faith of the nation pledged to make this appropriation. I believe it to be our duty. Take the case the gentleman has furnished—the Cumberland road. A law passes requiring such road to be established; appropriations are made to carry on the work, persons appointed to superintend it, laborers employed to perform this service; will you arrest their progress? Shall they, to make calculations upon the appropriations granted by the Legislature, to ascertain the fact whether they may not award a few cents or a few dollars, leave a job half finished, and wait for another appropriation, which they know will be made, or ought to be, as the Legislature have directed the work to be performed, and the wishes of the nation thus accomplished? How often shall they make their calculations—every week, every day, and every hour in the day? What precision in expenditures will gentlemen require, and how far carry the principle? The amount certainly can be no criterion. It is the object which fixes the discretion of the officer. If it is to accomplish the views of the Legislature, clearly and distinctly expressed, to execute a commission or perform duties required by law, the expenditure is lawful, and the nation is bound. Such is the case which calls for this appropriation, and such the reason why it is asked. I hope the law will pass without the amendment.

Mr. POOR, of Connecticut, concluded the debate. He hoped, he said, that the House would not in this way undertake to correct an evil, though they

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were convinced of its existence. He wished it to be taken up separately. It did not seem proper to him, on a bill making specific appropriations, to introduce a provision of this sort, which in effect would repeal, in part at least, the operation of a general law. He should not say, now, what course he should take when the question came regularly before the House; but it was certainly irregularly introduced into the present bill, and he therefore hoped the House would not concur in the amendment.

The question was then taken on concurring in the amendment of Mr. STORRS, as agreed to in the Committee of the Whole, and decided in the negative—80 to 59.

The three bills before the Committee being gone through, were reported to the House.

The first in order of importance, makes additional appropriations for the support of the Navy for the service of 1819, viz: For pay and subsistence, \$273,100; for provisions, \$41,400; for hospital stores, &c., \$8,850; for repairs of vessels \$101,208; for contingent expenses, \$11,000; for the salaries of two agents and a surveyor, appointed under the authority of the act of Congress making reservations of public lands to supply timber for naval purposes, and other expenses of that act, \$7,500.

The second bill makes a partial appropriation for the military service for the year 1820, viz: for subsistence of the Army, \$220,000.

The third is a bill "supplementary to the act 'to regulate and fix the compensation of the clerks in the different offices, passed the 20th day of April, 1818.'" This bill proposes to continue, until the 31st of December, 1820, the provision of that act which authorizes the employment of six additional clerks in the office of the Third Auditor, and three in that of the Second Comptroller, in order to enable those offices to settle the mass of yet unsettled accounts growing out of the late war.

The three bills were then severally ordered to be engrossed, and to be read a third time to-morrow.

The engrossed resolution authorizing a further distribution of the Journal of the Convention which framed the Constitution, was read a third time, passed, and sent to the Senate.

And on motion, the House adjourned until to-morrow.

THURSDAY, December 30.

Mr. PARKER, of Massachusetts, presented a petition of sundry merchants and traders in the town of Boston, praying for the establishment of a uniform system of bankruptcy throughout the United States; which was referred to the Committee of the Whole, to which is committed the bill for that purpose.

Mr. COCKE presented a memorial of the Convention of the Manumission Society in the State of Tennessee, against the further extension of slavery within the Territory of Missouri; which was referred to the Committee of the Whole on that subject.

The SPEAKER laid before the House schedules of fees proper to be allowed and taxed for the officers of the district courts of the United States, for the western district of Pennsylvania, and the District of Maine, prepared and transmitted by the judges of those districts, respectively, in obedience to the resolution of this House of the 22d of February last; which were referred to the Committee on the Judiciary.

Mr. ANDERSON, from the Committee on Public Lands, to whom was yesterday referred the bill allowing Sarah Allen the bounty land and pay which would have been due to her son Samuel Drew, had he lived, for his services as a private in the late war, with instructions to inquire into the expediency of providing for all similar cases by a general law, reported the said bill without amendment; and, further, "that it is inexpedient to pass any general law on the subject." The said bill was then ordered to a third reading.

Mr. BLOOMFIELD reported a bill to authorize certain insane persons to be placed on the pension list, and for guardians to receive pensions; which was read twice, and committed.

On motion of Mr. FOOT, the Committee on the Judiciary were instructed to inquire into the expediency of making such legislative provisions as shall effectually prevent the practice of duelling.

[Mr. F. suggested that he presumed it was only in regard to the Army and Navy that Congress would have any power to operate in this respect.]

On motion of Mr. ALLEN, of New York, it was *Resolved*, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of making Great Sodus Bay, on Lake Ontario, a port of entry.

The engrossed bill making additional appropriations for the support of the Navy for the year 1818; the engrossed bill making partial appropriations for the military service for the year 1820; and the bill authorizing the continuance of certain clerks in the offices of the Third Auditor and Second Comptroller,—were severally read a third time, passed, and sent to the Senate for concurrence.

Mr. McLANE, of Delaware, moved a resolution to this effect: "That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing a subscription, by the United States, for one hundred and fifty shares in the stock of the Chesapeake and Delaware Canal Company."

The House decided on this motion without debate, and it was negatived by a small majority.

Mr. KENT, of Maryland, offered for consideration the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of granting to said District a Delegate on this floor, in the same manner that Delegates are allowed to other Territories of the United States.

On this motion the House divided, and the resolution was negatived by a considerable majority.

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STATE OF MAINE.

The House then, according to the orders of the day, resolved itself into a Committee of the Whole, (Mr. HILL in the chair,) on the bill for the admission of the State of Maine into the Union.

The bill, as reported, is as follows:

A Bill for the admission of the State of Maine into the Union, and to extend the laws of the United States to said State.

Whereas, by an act of the State of Massachusetts, passed the 19th day of June, 1819, entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State;" the people of that part of Massachusetts heretofore known as the District of Maine did, with the consent of the Legislature of said State of Massachusetts, form themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of said act; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the third day of March next, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted,* That, until the next general census and apportionment of Representatives, the State of Massachusetts shall be entitled to, and may continue to have, thirteen Representatives, and the said State of Maine seven Representatives, in the House of Representatives of the United States.

SEC. 3. *And be it further enacted,* That all the laws of the United States, not locally inapplicable, shall be extended to said State, and have the same force and effect within the same, as elsewhere within the United States.

On motion of Mr. HOLMES, of Massachusetts, (the chairman of the committee who reported it,) the second section of the bill was stricken out as unessential to the main object of the bill, if any provision at all on the subject was necessary.

The question being stated that the Committee do rise and report the bill—

Mr. CLAY (Speaker) said he was not yet prepared for this question. He was not opposed to the admission of the State of Maine into the Union. The intelligence and numerical strength of her population, her extent of territory, her separation from old Massachusetts by intervening territory, her position in relation to the other members of the Confederacy, all concurred to recommend the measure now proposed. But, before it was finally acted on, he wished to know, he said, whether certain doctrines of an alarming character—which, if persevered in, no man could tell where they would end—with respect to a restriction on the admission into the Union of States west of the Mississippi, were to be sustained on this floor. He wished to know what was the character of the conditions which Congress had a right to annex to the admission of new States; whether, in fact, in admitting a new State, there could be a partition of its sovereignty. He wished to know the extent of the principles which gen-

tlemen meant to defend in this respect; and particularly the extent to which they meant to carry these principles in relation to the country west of the Mississippi. On this subject, he said, there should be a serious pause; the question should be maturely weighed before this new mode of acquiring power was resorted to, which was proposed in regard to the State to be formed out of the present Territory of Missouri. Heretofore, when the population and extent of a territory had been such as to entitle a territory to the privilege of self-government, and the rank of a State, the single question had presented itself to admit or reject it, without qualification. But new doctrines had sprung up on this subject; and, said he, before we take a single step to change the present relations of the members of the Confederation, there should be a distinct understanding between the Representatives from the various parts of the country, as to the extent to which they are to be carried. If beyond the mountains Congress can exert the power of imposing restrictions on new States, can they not also on this side of them? If, there, they can impose hard conditions—conditions which strike vitally at the independence and power of the States—can they not also here? If, said he, the States of the West are to be subject to restrictions by Congress, whilst the Atlantic States are free from them, proclaim the distinction at once; announce your privileges and immunities: let us have a clear and distinct understanding of what we are to expect. He would not, however, he said, press this part of the subject, but proceed to notice another point which presented itself in respect to this bill; wishing the honorable gentleman, under whose auspices this bill had been introduced into the House, distinctly to understand that he had not the slightest indisposition to the reception of Maine into the Union on the footing of the other States of the Union.

Mr. C. then adverted to the section, which had been stricken out of the bill, respecting the representation of Maine on this floor. Looking back to 1791, what then took place on a similar subject with this? The State of Kentucky, if he was not egregiously mistaken in the history of the times, was delayed eighteen months before she was permitted to come in, until Vermont also was ready; and the two States would be found connected together in the act providing for their representation in Congress. He asked whether this precedent from the statute book might not be advantageously followed in regard to the two States now claiming admission into the Union; one being from the Northeast, the other from the West, as was the case in 1791? This, he said, was worthy of consideration. The precedent was from the early, and, as far at least as regards the construction of the Constitution under which we act, the best times of the Republic. Whether such an union of the two States took place now, or not, Mr. C. said he wished to know what was to be done on the subject of the representation of Maine? Did the gentleman mean to follow up this bill by another, providing specially for that object? The Committee, he thought, ought not to rise and re-

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port the bill in its present shape, without satisfactory information on that point.

Mr. HOLMES rose in reply. The application from the people of Maine to be admitted into the Union as one of the States, he said, was a distinct subject presented to the consideration of the Committee; and the question was, shall Maine be or not be admitted into the Union? Upon that question, he was prepared to support the affirmative. The other question, relative to the apportionment of representation between Maine and Massachusetts, he was ready to discuss now or at any other time; and the only reason why he had wished to expunge the section relative to that point from the present bill, was that there was some uncertainty, from the practice which had hitherto prevailed on the admission of new States, as to the apportionment of the representation. For himself, he said, he had entertained no doubt on the subject, until he saw the precedent to which the gentleman had alluded. He had felt, no doubt, that when a State is formed from a portion of another State, and the relative proportion of the territory and population known, the representation should stand as at present until a new census was taken. But, he said, this precedent, with regard to Kentucky, had staggered him. That State had been formed from a portion of the territory of Virginia, and two representatives on this floor were given to Kentucky, without diminishing the number of representatives from the State of Virginia. This was a precedent which he thought did not exactly accord with the principles of the Constitution, which laid down a different rule for the apportionment of representation. It was possible, he said, there was some reason, which we do not know, which induced the course pursued on that occasion. Possibly it was then determined that, if a State sending fifty representatives should be divided into two States, the original State should continue to send her fifty members, and the new State should send twenty-five. If Congress had so determined, he apprehended they had determined against the provisions of the Constitution. Probably Congress then thought they had the power which they exercised, inasmuch as the existing apportionment of representatives among the States had been made by the framers of the Constitution, and not according to an exact enumeration of the people. Probably the people in that portion of the Territory had increased so much faster than the rest as, in the opinion of Congress, to entitle them to the two representatives which were thus additionally given. But this precedent proved that, between one apportionment and another, the Congress have a right to modify that apportionment, where circumstances make it necessary. However it might be settled in matter of form in the present case, Mr. H. said that the parties concerned would be satisfied that Maine has the seven representatives, which according to the last enumeration that portion of the territory of Massachusetts is entitled to, and Massachusetts would be content to have the remaining thirteen representatives to which her population entitled her. If the doctrine established in the case of Kentucky should be sustained on this occa-

sion, Massachusetts would still have her twenty representatives, and Maine would be entitled to seven. That doctrine, he said, would be monstrous, and he should not claim for Massachusetts the advantage of the precedent.

The truth was, he said, in regard to this whole subject, that the separation of Maine from Massachusetts depended on a contingency, and Congress could defeat it if they would. Unless the consent of Congress thereto should be given between now and the 3d day of March next, the whole proceeding which had taken place was void, and the question would be referred back to Massachusetts. Several attempts had been made within the last twenty years to attain the object, which, as far as regarded the consent of Massachusetts and the people of Maine, was now accomplished. We have now, said he, a population of three hundred thousand, and are separated by the intervention of another State from old Massachusetts. Will any one say we ought not to be admitted into the Union? We are answered, yes; and that, unless we will agree to admit Missouri into the Union unconditionally, we ought not be admitted! I hope the doctrine did not extend quite as far as that. [Mr. CLAY here said, in an undertone, yes it did.] I hope, said Mr. H., the gentleman does not mean to put the question on that footing. The subjects are wholly unconnected; and if, on the subject of the proposed restriction on Missouri, I held not the opinion which I have heretofore expressed, if I were to be told that Maine was not to be admitted into the Union unless Missouri was also unconditionally admitted, I should forfeit the chance of Maine rather than forfeit my opinion. Mr. H. said he hoped, therefore, that the gentleman did not mean to connect this question with that; that he did not mean to say that, though Maine is entitled to admission, though her claims are fair and undeniable, she shall not be admitted, unless another State should be admitted whose claims may not, in the opinion of a majority of this House, stand on the same footing. Mr. H. trusted, he said, that Missouri would be admitted. The doctrines which the Speaker considered as dangerous, Mr. H. said, he, too, disclaimed; but he equally disclaimed the doctrine that Missouri and Maine should be put on the same footing. They stand differently. In regard to Maine, there is no contested question of restriction or non-restriction; she stands on her own ground; she shows that she has fulfilled the conditions required of her by Massachusetts, and asks your consent, which is necessary to her taking rank among the States. And how is it suggested that you shall answer her? Why, inasmuch that there is a dispute between Congress and the Territory of Missouri, and there is no dispute respecting Maine, she is not to be admitted, unless Missouri is admitted without condition! Mr. H. said, he hoped those two subjects would not be united. He did not perceive any connexion between them. He was perfectly willing to go into the consideration of the question of the representation of Maine, but he did not think it necessary now.

Mr. LIVERMORE, of New Hampshire, said, the

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question before the Committee he took to be simply this: whether the Committee should rise, and report the bill now before them. He asked the honorable gentleman from Kentucky, whether he was of opinion that Congress could impose any restriction on Maine? That question the gentleman would, he knew, answer in the negative. Why, then, was the time of the House taken up in an unnecessary discussion? It had been said that, if restrictions were proposed on Missouri, Maine and Missouri ought to come into the Union, hand and hand together. Now, Mr. L. said, it was very well known, that every one who contended for the restriction on the new States, beyond the Mississippi, had gone on the ground that the territory acquired by France stood on a distinct footing, and not on the same footing as the old States. Why did not the gentleman, when the State of Alabama was admitted in the Union by a bill passed at this session, make the objections which he had now raised to the admission of Maine? That bill, however, had passed through this House with as much celerity as was usual with bills of a public nature, to say no more of it. If no difference of opinion existed as to the propriety of admitting Maine into the Union, why was the House impeded in its progress through the bill by arguments which applied to another question, and not this?

Mr. CLAY remarked that, since the question was put, he would say at once to the gentleman from Massachusetts, and his worthy friend the chairman of the Committee on the Post Office and Post Roads, with that frankness which perhaps too much belonged to his character, that he did not mean to give his consent to the admission of the State of Maine into the Union, as long as the doctrines were upheld of annexing conditions to the admission of States into the Union from beyond the mountains. Equality, said he, is equity. If we have no right to impose conditions on this State, we have none to impose them on the State of Missouri. Although, Mr. C. said, he did not mean to anticipate the argument on this subject, the gentleman from New Hampshire would find himself totally to fail in the attempt to establish the position that, because the Territory of Missouri was acquired by purchase, she is our vassal, and we have a right to affix to her admission conditions not applicable to the States on this side of the Mississippi. The doctrine, said Mr. C., is an alarming one, and I protest against it now, and whenever or wherever it may be asserted, that there are no rights attaching in the one case which do not in the other; or that any line of distinction is to be drawn between the Eastern and the Western States. It is a distinction which neither exists in reason, nor can you carry it into effect in practice. But, Mr. C. said, he did not mean to go into this subject. It was proper and fitting, however, in his opinion, that this bill should be delayed; that the House should not act on the one bill until it could also act on the other for the admission of a State in the West. But it seemed there was a particular aversion to the connexion of Maine and Missouri. If he was not much mistaken, Mr. C. said, those who now objected to such an alliance,

were the advocates of the alliance in the case which he had quoted in the precedent, and had succeeded in keeping Kentucky out of the Union for some twelve or eighteen months, because Vermont was not ready to come in; and, when ready, connected them in the same bill. I am glad to hear, said he, from the gentleman from Massachusetts, that that old and venerable Commonwealth has given to Maine till the 3d of March to come into the Union, or rather has allowed to Congress till the 3d of March to admit her. It is a good long time to the 3d of March, at least sixty days, and in that time much light may be shed on the principles which are to govern us in the admission of new States into the Union. What occasion, then, for haste? The gentleman from Massachusetts, Mr. C. said, was not unwilling to follow a part of the precedent of 1791; but, when the other part of it was suggested for his imitation, it was most unreasonable! The gentleman had himself shown that it was not now proper to act conclusively on this bill; for has he not told the House, asked Mr. C., that he has not prepared a proposition respecting the representation of Maine? When will he do it? Supposing we have a right to take seven Representatives from Massachusetts, and give them to Maine, what will be the condition of the gentlemen who now represent those seven districts of Massachusetts? But it was a question, he said, whether it was in the power of Congress to disfranchise Massachusetts, by taking from her seven, or any other number of her Representatives. These matters ought to be duly considered, and gentlemen should be prepared to act on them. Why pass this bill with such speed, and, after it passes, proceed to consider the difficulties respecting the subject which gentlemen acknowledged to exist? Suppose, after the law was passed, and difficulties respecting the representation in Congress should be discovered to be so insuperable, that Maine could have no representation. Mr. C. said he presumed she would not be willing to come into the Union on that footing, whilst her present situation was different, that portion of Massachusetts having in fact seven Representatives in Congress. Suppose, said he, I was mistaken in my doctrine respecting restrictions on new States, and that you have a right to measure justice by different standards, why do not the friends of restriction come forward and propose a restriction on Maine, if not the same as that proposed to be imposed on Missouri, on some other point? To pass this bill in its present shape, he said, would be an act of half legislation; and it ought not to be sent to the other branch of the Legislature without giving to the State of Maine (what was of essential importance) the representation in the Union which was due to its numbers, and required by its interests. If the gentleman wanted time to prepare the necessary amendments on this subject, Mr. C. said, he would give him time by postponing the bill; at the same time repeating, that he was not desirous to defeat the admission of Maine into the Union.

Mr. WHITMAN, of Massachusetts, said, that the gentleman had avowed his object in opposing the

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progress of this bill, with his usual and characteristic frankness; which he hoped would constitute a sure pledge that he would give up his opposition, if it should appear not to be well founded. The gentleman had expressed his wish to unite the two questions of Maine and Missouri. It had sometimes occurred, Mr. W. said, when one branch of a Legislature refused its assent to a measure which had passed the other, that the object of the latter was obtained by tacking the obnoxious proposition to some favorite measure of the former: and, as Mr. W. understood the honorable Speaker, he had declared that he would go on this principle in the admission of new States into the Union; and that, in this case, he would not admit Maine unless tacked to Missouri—he would admit both at the same time, and both on the same principle. Now, Mr. W. said, he held that there was no similarity in the two cases. The Speaker would certainly do the gentlemen who were opposed to the admission of Missouri unconditionally into the Union, the justice to believe, that they were honest and sincere in their opposition to it, and that they did believe that Congress have a right to impose conditions on her admission, and they did further believe the proposed condition to be expedient. Here, then, was a part, perhaps a majority, of Congress believing in the right of annexing conditions to the admission of Missouri into the Union. How was it with regard to Maine? Why, not one individual member in this House—not the honorable Speaker himself, supposed that any condition ought to be annexed to her admission: on the contrary, he had avowed his belief that she ought to be admitted without condition. Ought not every case to stand on its own bottom? Would the Speaker consider it consistent with sound principles to say that he believed Maine ought to be admitted, and yet refuse to admit her unless Missouri should also be received, as he wishes, unconditionally into the Union? Such a refusal would be a mere political expedient; it would be to accomplish, by improper means, what could not otherwise be accomplished; a contrivance to get the House to do what they do not approve, or leave them the alternative of omitting to do what, even according to the Speaker's own position, ought to be done. Was it proper, Mr. W. asked, to make the interest of Maine a sacrifice to such a policy? Was it Maine, he asked, who stood in the way of the admission of Missouri, or was it something else? And, if not, ought Maine to fall a sacrifice to a scheme for compelling Congress to admit Missouri without any condition? He hoped the honorable Speaker would revise his decision; and, if he did, Mr. W. was sure he would decide differently.

With regard to other grounds traversed by the Speaker, which seemed only to come in aid of his main object, Mr. W. confessed himself to be in more doubt. He did not believe it was in the power of Congress to say that, of twenty Representatives which Massachusetts has on this floor, seven should be sent home; nor did he believe it in the power of Congress to select the seven to be sent home. This difficulty, however, he believed, might be gotten over, but, he feared, not in the way which had been

contemplated. He believed Congress might make a provision that the seven Representatives from the districts in Maine should, for the present Congress, be considered as the Representatives of Maine, and the remaining thirteen as the Representatives of Massachusetts. This course, whilst within the power of Congress, could not but be acceptable to Massachusetts as well as to Maine. By authorizing the convention of the people of Maine to form a constitution of State government, Massachusetts must have been considered as consenting to have her representation curtailed. If the section reported by the select committee had been permitted to remain in the bill, a proviso of this description might have been added, and, in this way, every difficulty have been removed. However, Mr. W. said he had not objected to striking it out, in deference to what he supposed the better judgment of several gentlemen from Maine and Massachusetts, who thought it better that this provision should be the subject of a separate bill. With respect to the apportionment of representation, he took occasion to say, he did not believe Congress was under any necessity of making it at the moment after the census was taken; he thought it might be made at any other and intermediate time. Whatever arrangement might be made so as to reserve their respective portions of representation, Mr. W. said he was sure both Massachusetts and Maine would be satisfied. The former would not expect to hold her whole present representation, after the severance of Maine, as Virginia did after the State of Kentucky was formed from territory within her limits.

The honorable Speaker, Mr. W. said, had given the House a piece of history which he had never heard before. He was apprehensive the honorable Speaker might have been misinformed. He understood him to have said that Vermont and Kentucky had been tacked together, and the admission of one had been made necessary to that of the other; and, further, that the objection to the admission of Kentucky came from the Eastern and Northern sections of the Union. This, Mr. W. said, he had never heard before. If the gentleman judged from the fact that the statute book showed them both to have been admitted at the same time, it was as fair to infer that the objection came from the South as that it came from the North. But, be the fact in that case what it may, said Mr. W., it ought to make no difference in regard to the admission of Maine. Because Congress may at any former period have done wrong, will the honorable Speaker insist upon our doing so too? The Speaker, he said, had not commended, but rather reprobated, the alleged delay of the admission of Kentucky for the purpose of including Vermont; and if he reprobated it in that case, it was because the thing was incorrect in itself. If so, certainly the Speaker would not persist now in contending for a measure which was then wrong, but would give it up as incorrect at all times.

With respect to the question of imposing conditions on the admission of new States, Mr. W. pointed to the act for the admission of Louisiana into the Union. Were there no conditions there, he

asked, which conflicted with the absolute sovereignty of an independent State? There were conditions imposed on Louisiana infinitely more numerous than were proposed to be imposed upon Missouri. She was required to make and maintain a variety of municipal regulations, which no other State had been required to do. One stipulation was, that the trial by jury should be established and maintained. What principle could be nearer and dearer to the hearts of Americans than the right of establishing a judiciary, or regulating it as they thought proper? Yet, Mr. W. said, he had heard no one object to these restrictions. In relation to the States admitted in the Western country, provisions had been inserted in the act of admission, requiring that the lands of the United States should not be taxed; and not only so, but that lands of individuals, the lands given to soldiers, should not be taxed for a certain number of years. Mr. W. asked, whether the power of laying taxes was not one of the most sovereign which could be exercised; and if, in a particular like this, a condition could be imposed by Congress, could they not likewise impose the condition which had been contemplated in respect to Missouri? Mr. W. concluded by declaring the main ground taken by the honorable Speaker to be wholly untenable, and that the only serious objection he had raised to the progress of the bill could be obviated, by an amendment, with the greatest ease.

Mr. HOLMES again rose. The honorable Speaker, in the course of his remarks, had said, that equality is equity. So it is, said Mr. H. I am disposed to proceed, and apply that principle to the present case, and I ask the gentleman to go with me and do likewise. The United States were thirteen in number when they formed the present compact; and among its provisions was one, that new States may be admitted into the Union, to be formed out of the original, with the consent of the States and of Congress. And how had equality proceeded since the adoption of the Constitution? A State had been formed from a part of the territory of Virginia, and one from North Carolina; and Ohio, Louisiana, Indiana, Mississippi, Illinois, and Alabama, had been successively admitted from the territories. No division of any State had in the mean time taken place in the North or East, nor had any new State been erected there. He trusted, he said, that he should not be accused of ever acting contrary to the principles of equality or equity: he had no wish that the North and East should have privileges not enjoyed by the South and West—a doctrine against which he had protested in dangerous times, and against which he now protested. We are now told that our application is just, and we have certainly not been importunate; yet, unless we will do towards another section of the Union what we ourselves believe to be wrong, you will not do what in your consciences you believe to be right. The honorable Speaker was mistaken, Mr. H. said, he believed, with respect to the union of Kentucky with Vermont, in their admission. Vermont, Mr. H. said, was a separate State during the war; raised her own troops and paid them, and had a claim to admis-

sion wholly independent of any other State. Two Representatives, however, were given to each State; the same representation being given to Kentucky, who was already represented, as to Vermont, who was before unrepresented. This certainly showed no particular partiality or favoritism to the East.

As regards the present representation, it was not for Congress to decide who were to continue to be, and who to cease to be, members of the present Congress; but it was for this House, which was the sole judge of the elections and privileges of its own members. Congress had no more power over the representation of any State in Congress than this House had over the members of the Senate. The section which related to the representation, therefore, had been properly stricken out of the bill. With regard to the apportionment to be made of the further representation of Maine in this House, until the next enumeration takes place, was there any fear that it would not be made according to the provisions of the Constitution? On this subject, there was a perfect accord between Maine and Massachusetts: the latter had consented that the Representatives from the districts contained in Maine should be considered as the Representatives of the State of Maine, and that her representation should be proportionally reduced.

Mr. H. hoped that the subject of the representation of Maine in Congress would not be connected in the bill with that of her admission into the Union; neither, he hoped, would the Maine question be connected with that of Missouri. He would not refuse justice in one case unless injustice was done in another. Was it right to do so? Suppose we had said, when questions respecting the admission of new States have been proposed, that we would not admit them unless they would agree that, whenever application was made by the State of Maine for the purpose, she should be admitted. That condition would have been wrong. Let each claim stand on its own footing. I ask of gentlemen, said Mr. H., to do as we have done, and as I, as an individual, shall do when the other subject presents itself for consideration. Do gentlemen calculate on more liberality on the Missouri question, when it comes up, in consequence of the opposition now made to this bill? If they do, they are mistaken: gentlemen in this House are not to be driven from their positions. Mr. H. concluded by saying that he had hoped there would be a fair and liberal vote for the admission of Maine without condition; he yet hoped it, though, from what had taken place, there was some reason to fear there would not.

Mr. CLAY said that, with respect to uniting the two States of Maine and Missouri in one act, he had not intimated any intention at present to connect them. But in reference to the case which he had referred to as a precedent for such a connexion, the gentlemen from Massachusetts had professed his ignorance of it. The gentleman, Mr. C. said, might never have heard of it, and, as he had so said, doubtless never had heard of it; but, if the gentleman was not informed on the

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subject, he (Mr. C.) hoped he would allow to him the benefit he had derived from having participated, in some degree, in the transactions of that day. I can assure him, said Mr. C., that the proposition came from the North, to delay the admission of Kentucky into the Union, until Vermont was ready to come in. But the gentleman perceived great injustice in such a proceeding at the present day; on that head, Mr. C. said, he would recommend to his recollection the old anecdote of the parson and the bull. He professed that he could not see the great injustice of a proposition, if now made, to connect the admission of the two States together. A State in the quarter of the country from which I come, said Mr. C., asks to be admitted into the Union. What say the gentlemen who ask the admission of this State of Maine into the Union? Why, they will not admit Missouri without a condition which strips it of an essential attribute of sovereignty. What then do I say to them? That justice is due to all parts of the Union; your State shall be admitted free of condition; but, if you refuse to admit Missouri also free of condition, we see no reason why you shall take to yourselves privileges which you deny to her—and, until you grant them also to her, we will not admit you. This notion of an equivalent, Mr. C. said, was not a new one; it was one upon which Commonwealths and States had acted from time immemorial. But he did not mean to press this part of the subject—he would put it aside, and confine himself to the single point, whether it was proper to pass this bill, without incorporating in it some provision on the subject of the representation of Maine? This was the point on which he desired a decision before the bill passed. Were he to permit himself again to glance at the case of Missouri, he would say, there was a wide difference, in one respect, between that case and the case of Maine; and that the former most urgently required the attention of the House. The one was in the actual enjoyment of the advantages of self-government—was already in the Confederacy as a component part of a highly respectable State—was heard and represented by a phalanx of seven members on this floor. Whilst Missouri was subjected to arbitrary government, for he held that, whenever a people are subject to a government under an authority which is as to them foreign, they being unrepresented, that government is arbitrary, whatever be the character of its measures—no boon from Heaven, in his estimation, being more inestimable than the privilege of a people to govern themselves—and no political state more intolerable than that of having laws, and those most solemn of all laws, constitutions, imposed upon a people without their consent. Precedents might be found for such proceedings, but, happily for the New World, not in this part of the globe, but in the other hemisphere, and recently too, at the close of one of the most memorable struggles in which any portion of the human race had ever been engaged. Missouri was unheard on this floor; she had not twenty votes to spring up in vindication of her rights and defence of her interests; this infant, distant Territory, without a vote on this floor,

was in no condition comparable to that in which Maine now stood. But, he said, he would not press this subject further.

There were difficulties, it was admitted, in regard to the representation of Maine; and it was questionable, at least, whether, under the Constitution, Congress could subtract from the number of Representatives Massachusetts now has, any portion of them. Could any State by her consent grant to Congress the power to do so? If in relation to one of its Representatives, can it in relation to the whole of them? If not, in relation to what part? If by the consent of the State this may be done, how is that consent to be given—by the Legislature or by the whole people? If by the whole people, have the people of Massachusetts been consulted on the subject in the present instance? The Legislature, it was true, had passed an act on the subject; but had the Legislature competent authority to do so? Mr. C. did not say that these difficulties were insuperable; he hoped they could be gotten over. But he thought the House ought not to be hurried; that they should take time to consider all the consequences of what they were about to do—the more as there was no great urgency in the business. He thought, he said, that Maine ought to be admitted into the Union; he thought the same of Missouri; and although he might be forced to withhold his assent to the admission of Maine, if a majority of this House should (which he trusted they would not) impose unconstitutional restrictions on the admission of Missouri, he should do it with great reluctance. But, in any event, this question respecting the representation of Maine ought to be understood; it ought to be understood which of the Representatives of Maine were hereafter to be Representatives of Massachusetts. There was nothing in the Constitution of the United States which required that a person should represent the district in which he resides; and the gentleman from Boston was as much the Representative of the Maine part of Massachusetts, as he who lived in that district of country. It would be seen, then, that if the difficulties surrounding this subject were not insuperable, they were yet of some magnitude. He therefore moved that the Committee rise, report progress, and ask leave to sit again.

Mr. HOLMES said, that until the honorable Speaker disclosed the whole extent of his objections to the bill, it was impossible, either by argument or amendment, to obviate them; and the Speaker had not yet disclosed them. Mr. H. said he wished to know if the objection which he had urged, on the score of the representation, was the only objection which he had to the passage of this bill. He wished to know, if that objection was gotten over, whether the Speaker would not make the admission of Missouri a condition of the admission of Maine; and called upon him to know whether he should persist in his opposition to that bill, unless this position was given up. For, if that was the object of the gentleman, there was no occasion for the Committee's rising. The extent of my plan now is, said Mr. H., that the members hereafter to be elected, shall be according to the

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population of the two respective portions of the present State of Massachusetts. Is there any objection to this? Does the Constitution prescribe or authorize any thing else? This is what the Congress can do; but they cannot go one step further. The difficulty in regard to the representation in the present Congress, if any, cannot be settled by bill, but must be settled by this House. And do gentlemen mean to contend that a legislative act shall be postponed to settle a question in regard to members' seats, which may hereafter arise? This would be a course which would for ever postpone the admission of Maine. Mr. H. could not believe, he said, that there could be any serious difficulty on this subject, &c. He concluded by saying, he wished this question to be answered: whether the honorable Speaker meant to make it a *sine qua non* to the admission of Maine, that Missouri should previously be admitted without condition?

Mr. CLAY said he had always the greatest disposition in the world to oblige the gentleman from Massachusetts, and had no objection to be interrogated by him as long as he pleased. The gentleman had asked him to make objections—against what? The gentleman had brought forward no proposition to which to state objections; and the objection was, that there was no such proposition before the House. The bill, as reported, did contain a provision that Massachusetts should have hereafter thirteen, and Maine seven Representatives, but which of the present twenty were to be assigned to Maine, and which to Massachusetts, it did not provide. Mr. C. said it did not belong to him, but to the gentleman from Massachusetts, to prepare an amendment on that subject. After these difficulties were gotten over, Mr. C. said he could satisfy the gentleman on the other point. If he had not already, however, been sufficiently explicit, he was afraid he should not be able to satisfy the gentleman on that head. The only question now, was on the subject of the representation, which certainly ought to be adjusted by this bill. Mr. C. said he found the gentleman was throwing out his net; it was quite evident he was not satisfied himself what was to be the rule on this head; and his colleague had acknowledged that it was a matter of some difficulty, but thinks that an amendment will put it all right. Well, Mr. C. said, if that was the matter, let the amendment be prepared, and let the Committee rise to give the gentleman an opportunity of preparing it.

Mr. STORRS, of New York, said, besides the difficulty already stated, there was another point on which he wished some information; at the same time that he thought it proper to declare that he was in favor of the admission of Maine into the Union, without reference to Missouri. The Constitution declared that no State shall enter into any compact without the assent of Congress. There had been certain articles of stipulations agreed upon between Massachusetts and the people of Maine, among which was one, for example, securing to Maine her proportion of all moneys which should be received from the Government of the United States, under the claims of the com-

monwealth, for militia services, during the late war, &c. Ought not the consent of Congress be given to these stipulations?

Mr. HOLMES said that the clause of the Constitution which had been alluded to, obviously referred to compacts or treaties with foreign Powers, and not to agreements between States. But, if otherwise, the consent of Congress could be given after, as well as before, the making of the compact.

Mr. FOOT, of Connecticut, said he rejoiced that the question on this bill was now narrowed down to one point—a difficulty in respect to the representation. Would it not, he asked, be in the power of the two States to settle this question between themselves, without agitating it on this floor? Can we, said he, deprive Massachusetts of any part of her representation? She has twenty representatives on this floor, and will continue to have them. Is the objection to her keeping them, to come from Kentucky? No; it is to come from Maine. If she has no objection, are we to object? Certainly not. Was there, Mr. F. asked, any difficulty in regard to the right of a representative, after his election, to remove out of the State which he represents, into another? He presumed not; for such cases had occurred, and no exception had been taken to the right in those persons to retain their seats. If Maine be willing, and Massachusetts be satisfied, said Mr. H., ought not we to be? He could see no necessity for stumbling here for hours over this objection. He was happy, he remarked, that the question was now stripped of every exterior consideration, and the House had to decide only on the plain question, whether Maine should be admitted or not.

Mr. STORRS said he had merely thrown out the suggestion respecting the Constitutional provision regarding compacts, for the gentleman from Massachusetts to consider it. Mr. S. added, he was the more induced to do it, from the earnest desire that Maine should not lose the benefit of her share of the moneys to be received from the United States under the Massachusetts' claims!

Mr. HOLMES rejoined by a sportive remark, not distinctly heard.

Mr. CLAY said he was glad the gentleman from Connecticut had furnished the House with some light, to show where they were. But there was before the House no proposition on the subject of representation: it was that which he wished to see—and, if the gentleman from Connecticut would prepare one, the Committee would probably be obliged to him for giving them something definite to act on.

Mr. FOOT said he was prepared to act on the subject before the House, no proposition being necessary on a matter which it would be properly left to Massachusetts and Maine to determine. This solution of the difficulty would happily relieve the subject from the perplexity under which the honorable Speaker seemed so much to labor during his addresses to the House.

Some other good-natured remarks preceded the rising of the Committee, which took place at the usual hour.

And then, on motion, the House adjourned.

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FRIDAY, December 31.

Mr. KENT, from the Committee on the District of Columbia, reported a bill to incorporate the inhabitants of the City of Washington, and to repeal all other acts heretofore passed for that purpose; which was read twice, and committed to a Committee of the Whole on Tuesday next.

Mr. MORTON, from the Committee of Revision and Unfinished Business, made a report, in part; which was ordered to lie on the table.

Mr. WILLIAMS made a report on the petition of Fielding Jones, accompanied by a bill for the relief of the said Jones; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, from the Committee on Private Land Claims, reported a bill for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois; which was read the first and second time, and committed to a Committee of the Whole.

On motion of Mr. CANNON, the Committee on Militia were instructed to inquire into the expediency of furnishing the militia with clothing when they are called into the service of the United States, or the amount in money in lieu thereof, in all cases wherein they furnish themselves.

On motion of Mr. WHITMAN, the Secretary of the Treasury was directed to lay before this House, copies of such communications as he may have received since 1816, and such information as he may possess, in relation to the illicit introduction of slaves into the United States; with a statement of the measures adopted to prevent the same.

On motion of Mr. WHITMAN, the Secretary of the Navy was directed to lay before this House copies of such communications as he may have received since 1816, and such information as he may possess, in relation to the illicit introduction of slaves into the United States; with a statement of the measures adopted to prevent the same.

On motion of Mr. COOK, the communication from the Secretary of War to this House on the 28th instant, in compliance with the resolution of the House of Representatives of the 15th instant, relative to the communication between the river Illinois and Lake Michigan, was referred to the Committee on Roads and Canals.

An engrossed bill, entitled "An act allowing Sarah Allen the bounty land and pay which would have been due to her son, Samuel Drew, had he lived, for his services as a private in the war;" was read the third time, and passed.

The SPEAKER laid before the House two letters from the Secretary of the Treasury, the one transmitting a statement of duties accruing, and drawback payable on merchandise exported from the United States, during the years 1816, 1817, and 1818; the other transmitting the annual statement of the district tonnage of the United States on the 31st December, 1818; which letters and statements were ordered to lie on the table.

CLAIMS FOR SLAVES, &c.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the petition of Basil Shaw, reported:

That the petitioner states that, at the call of his country, he joined General Carroll's division, and received the appointment of adjutant general; that, instead of taking a soldier from the lines to wait on him, as by law he was authorized to do, he employed a negro servant, and contracted to pay for him unless returned; that in the battle at New Orleans, on the 8th day of January, 1815, the said servant was killed with a cannon ball in the General's camp; and, consequently, that the petitioner had to pay Mr. Walton, the owner of the slave, \$500.

The following certificate accompanies the petition:

NOVEMBER 21, 1815.

I certify that Major Basil Shaw had a negro man killed on the morning of the 8th of January last, at the battle below New Orleans, by a cannon ball from the enemy's works.

Major Shaw acted as my assistant adjutant general during the campaign.

WILLIAM CARROLL,
Major General Tennessee militia.

And also the certificate of George Poindexter, stating that he was present in the same room with General Carroll when the cannon ball passed through and killed Major Shaw's negro boy, and that he is confident the loss was attributable to the casualties of war, and not to any negligence on the part of Major Shaw.

The law authorized Major Shaw to receive the pay and rations of a private soldier for the negro servant; but no law has heretofore provided for the payment of the value of a slave so lost.

The committee conceive that to make such a provision at this time is inadmissible, and therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner be not granted.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the petition of Thomas Hightower, of South Carolina, reported:

That the petitioner states that, in the Fall of 1817, a wagon, loaded with ordnance, belonging to a detachment of artillery in the service of the United States, passing from Charleston to Augusta, stalled near his residence; and that, application having been made to him for assistance, he sent his negro man, (a slave,) who, while engaged in assisting the wagoner, received an injury which has totally disqualified him for the usual labors about the plantation, and rendered him of but little or no value. Upon this statement of facts, the truth of which is certified by sundry persons, (one of whom is a professional man, who describes the injury,) the petitioner claims remuneration from the Government.

Although the committee are of opinion that, in affording the assistance mentioned, the petitioner gave proof of a goodness of disposition honorable to himself, yet it is not perceived that he can have a claim upon the Government for remuneration. The committee, therefore, recommend that the claim of the petitioner be rejected.

The reports were concurred in by the House.

STATE OF MAINE.

The House then proceeded to the order of the day, and again resolved itself into a Committee of the Whole, (Mr. MARK LANGDON HILL in the chair,) on the bill providing for the admission of

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the District of Maine into the Union as an independent State.

And, no further debate arising—

The Committee rose and reported the bill and amendments to the House.

After much debate on the questions arising out of the representation of Massachusetts and of Maine in Congress, and the best mode of arranging it, if Congress interposes at all respecting it, the amendment made in Committee of the Whole, to strike out of the bill so much as relates to this subject, was agreed to.

Various other amendments were proposed to the bill; among which were the following:

Mr. STORRS moved to amend the bill by adding a new section, in the following words:

"And be it further enacted, That, until a new enumeration shall be made of the inhabitants of said Commonwealth of Massachusetts and said State of Maine, and a new apportionment of Representatives in the Congress of the United States, to be elected in said Massachusetts and Maine, the said Commonwealth of Massachusetts shall be entitled to and may be represented in Congress by thirteen Representatives; and the said State of Maine shall be entitled to, and may be represented in Congress by seven Representatives."

Mr. WHITMAN moved to amend the proposed amendment by adding, after the enacting clause, these words: "from and after the 15th of March next, and."

This motion was negatived, as also was the main motion of Mr. STORRS.

Mr. WHITMAN then moved to strike out the preamble of the said bill, which is in the following words, viz:

"Whereas, by an act of the State of Massachusetts, passed on the 19th day of June, 1819, entitled 'An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State;' the people of that part of Massachusetts heretofore known as the District of Maine, did, with the consent of the Legislature of said State of Massachusetts, form themselves into a separate and independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act; therefore,"

And, in lieu of the said preamble, to insert one in the words following, to wit:

"Whereas the Legislature of the Commonwealth of Massachusetts, by an act, entitled 'An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State,' passed on the 19th day of June last, declared the consent of said Commonwealth, that the District of Maine (being that part of said Commonwealth lying east of the State of New Hampshire) might be formed and erected into a separate and independent State, upon certain terms and conditions in the said act particularly specified: And, provided, the Congress of the United States should give its consent thereto, before the fourth day of March next:

"And whereas it appears that the terms and conditions proposed by said Legislature, on the part of said Commonwealth, to the people of said District of Maine, have been by them agreed to and accepted, and on their part complied with:

"And whereas a convention of delegates, duly chosen

by the people of said District, have formed a constitution and frame of government, which is republican, and conformable to the principles and provisions of the act aforesaid; and have petitioned Congress that its consent may be given that the said District, by the style and title of the State of Maine, may be admitted into the Union as a separate and independent State, and on the footing of an original State; therefore,"

And on the question, "Shall the preamble be changed as aforesaid?" it was determined in the negative.

Mr. SMITH, of North Carolina, then moved to strike out the preamble prefixed to the said bill, which was rejected; and the bill was then ordered to be engrossed, and read a third time on Monday next.

MONDAY, January 3, 1820.

Mr. BARBOUR presented a remonstrance of the Virginia Agricultural Society of Fredericksburg, against the attempts now making by the manufacturing interest of the country, and their friends, for an increase of the duties upon foreign goods, wares, and merchandise, upon their importation into the United States.—Referred to the Committee of Commerce.

Mr. SMITH, of Maryland, presented a petition of sundry merchants, and other inhabitants of Baltimore, praying that the duties on all foreign goods, wares, and merchandise, imported into the United States, may be made payable in cash.—Referred to the Committee on Manufactures.

Mr. SCOTT presented a petition and remonstrance of the Baptist Association of Mount Zion, Howard county, Territory of Missouri, protesting against the interference of Congress in the provisions of the constitution contemplated for said Territory upon its admission into the Union as a State; as also against any restrictions on the rights of property.—Referred.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Eli Hart," made a detailed report on the merits of the claim of the said Hart, and recommending that the bill be indefinitely postponed; which report and bill were committed to a Committee of the Whole to-morrow.

Mr. SMYTH, from the Committee on Military Affairs, made a report, in obedience to the resolution instructing them to inquire into the expenditures which have been, and are likely to be, incurred in fitting out and prosecuting the expedition ordered to the mouth of the Yellow Stone, on the Missouri river, and concerning the objects intended to be accomplished by that expedition; which was read, and ordered to lie on the table.

Mr. SMYTH, from the same committee, also reported a bill for the relief of Captain Stanton Sholes; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SMYTH also made a report on the petition of sundry non-commissioned officers, musicians, and privates, who reside in the State of Connecticut, and whose term of service expired at the close

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of the late war with Great Britain; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the prayer of the petition ought not to be granted.

The SPEAKER laid before the House a letter from the Secretary of War, enclosing an abstract, showing the aggregate amount of the Military Peace Establishment, actually in service for each year since 1815, prepared in obedience to an order of the 28th ultimo; which was ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a statement of balances unexpended on the 27th day of December, 1819, remaining in the Treasurer's hands as agent of the Navy Department, designating the various heads of appropriation, and the unexpended balance under each of them, rendered in obedience to a resolution of this House of 27th ultimo; which was ordered to lie on the table.

An engrossed bill, entitled "An act for the admission of the State of Maine into the Union, and to extend the laws of the United States to said State," was read the third time, and passed.

The House then resolved itself into a Committee of the Whole, on the report of the Committee of Claims, on the case of Samuel Hughes. The Committee rose, and reported their agreement to the resolution submitted by the Committee of Claims; which was concurred in by the House, as follows:

Resolved, That the claim of Samuel Hughes, of the State of Maryland, ought not to be allowed.

The House resolved itself into a Committee of the Whole, on the bill to authorize the Commissioner of the General Land Office to remit the instalments due on certain lots in Shawncetown, in the State of Illinois. The bill was reported without amendment; and the question was taken, "Shall the said bill be engrossed, and read a third time?" and determined in the negative. And so the bill was rejected.

TUESDAY, January 4.

Mr. FOLGER presented sundry depositions, and other documents, tending to prove that Daniel Pettibone is not the inventor of the art of welding cast steel to iron.

On motion of Mr. OVERSTREET, the Secretary of the Treasury was directed to inform this House what deduction, in his opinion, it will make in the revenue, if the importation of cotton and woollen manufactures and iron be prohibited; and in what manner the deficit in the revenue may be supplied, should prohibition be made.

On motion of Mr. STORRS, the Message of the President of the United States, communicated to the House of Representatives, on the 5th day of February, 1819, relating to applications received from the British Minister, in behalf of certain British subjects who had suffered in their property by proceedings to which the United States, by their military and judicial officers, were parties, was referred to the Committee on the Judiciary.

On motion of Mr. CANNON, the Committee on the Militia were instructed to inquire into the expediency of improving the organization and discipline of the Militia of the United States.

On motion of Mr. DAVIDSON, the Committee of Ways and Means were instructed to inquire into the expediency of allowing Archibald Frew, Esq., collector of the direct tax and internal duties in the eleventh collection district in North Carolina, the usual commissions on nineteen or twenty thousand dollars, collected of him by warrant issued by the Comptroller of the Treasury of the United States.

The bill for the relief of James Hughes passed through a Committee of the Whole.

The bills for the relief of the representatives of Philip Barbour, and for the relief of the heirs of Anthony Burk, also passed through a Committee of the Whole.

The bill for the relief of the representatives of Colonel Daniel Appling, also passed through a Committee of the Whole; which bills were severally ordered to be engrossed.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made unfavorable reports on the petitions of John Chalmers, of Washington City, and of John Cowen, of Tennessee; which were severally read—the first ordered to lie on the table, and the second committed to a Committee of the whole House.

On motion of Mr. STRONG, of New York,

1. *Resolved*, That a committee be appointed to inquire into the expediency of providing by law for furnishing the Army, the Navy, and the Indian Department, with articles of clothing, and other merchandise of domestic manufacture, except such articles only as cannot, with economy and in sufficient quantity, be manufactured in the United States.

2. *Resolved*, That a committee be appointed to inquire into the expediency of providing, by law, for the further encouragement of native American citizens engaged in the whale fisheries.

MESSRS. STRONG, BALDWIN, ALEXANDER SMYTH, of Virginia, ROSS, and BROWN, were appointed a committee pursuant to the first resolution.

MESSRS. STRONG, FOLGER, MASON, WENDOVER, and EDWARDS, of Connecticut, were appointed a committee pursuant to the second resolution.

PRIVATEERING.

Mr. LOWNDES, from the Committee on Foreign Relations, to whom had been referred two memorials from certain citizens of Ohio, praying the suppression of privateering, as a means of national warfare, submitted the following report:

The Committee of Foreign Relations, to whom have been referred two memorials from citizens of the State of Ohio, relating to the practice of privateering, beg leave respectfully to report:

That the language of the memorialists is such as to leave the extent in which they deem it reasonable to expect a mitigation in the laws of maritime warfare, in some doubt. They are considered by the committee as recommending such a change in these laws as shall exempt the property of individuals from capture, either by public or private ships of war, at least when it does not consist of contraband articles, and is not

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destined to a blockaded port. The general benevolence which is expressed, as well as the opinion of Dr. Franklin which is referred to by the memorialists, seem to prove that it is their wish that the property which subserves no purpose of war should be as safe upon the sea as upon the land—not that it should be secured from private cruisers, and be left exposed to public ships, which, in the service of some European Powers, are much more numerous than the others, and whose pursuit of plunder is often quite as active and unsparing. It cannot indeed be presumed that the memorialists should wish a change in maritime law which would produce very little diminution in the dangers of our commerce in a conflict with any considerable naval Power, while it would wrest from our hands what we have hitherto considered as one of our principal means of annoyance. It is the security of fair and harmless commerce from all attack, which the memorialists most desire. It is the introduction of a system which shall confine the immediate injuries of war to those whose sex, and age, and occupation, do not unfit them for the struggle. If these are the wishes of the memorialists, the committee express their concurrence in them, without hesitation.

The committee think that it will be right in the Government of the United States to renew its attempt to obtain the mitigation of a barbarous code, whenever there shall seem a probability of its success. They do not doubt that it will do so. Its first efforts at negotiation were characterized by an anxiety to limit the evils of war; and if it seem to have desisted from the prosecution of this design, the committee believe that this circumstance must be attributed, not to a change in the policy of the United States, but to the perseverance in their former policy of other nations.

The committee are not unaware that the "United States are better situated than any other nation to profit by privateering;" but they are far from opposing this calculation to a regulation which, if the Powers of the world would adopt it, they too should consider as "a happy improvement in the laws of nations."

It is an improvement, however, which cannot be made without the consent of other States. The committee will not flatter the memorialists by expressing the opinion that such consent will probably be given; but, as it can be obtained only, if at all, through the Executive Government, to whose discretion the conduct of negotiations has been properly confided by the Constitution, they recommend to the House the following resolution:

Resolved, That the Committee on Foreign Relations be discharged from the further consideration of the memorials relating to the practice of privateering, and that they be referred to the Secretary of State.

The report was read, and the resolution agreed to.

REVOLUTIONARY PENSIONS.

Mr. BLOOMFIELD, from the Committee on Revolutionary Claims, to whom was referred the resolution of December last, respecting the execution of the act of the 18th March, 1818, to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war, reported the following resolution:

Resolved, That it is not expedient, neither will it comport with the honor and dignity of the American

nation, to repeal the law of the 18th of March, 1818, which "provides for certain persons engaged in the land and naval service of the United States in the Revolutionary war."

CONGRESS HALL, December 17, 1819.

SIR: I am instructed by the Committee on Revolutionary Pensions to ask information relative to the "manner in which the act of the 18th March, 1818, has been executed; ascertaining, as far as may be practicable, the class or classes of cases which it has been construed to embrace, and such as have been excluded from its provisions; whether the objects contemplated by its passage have been, or probably will be, effected by the operations of the law; and, if not, whether it be susceptible of such amendments as will insure the accomplishment of those objects;" also, a "statement of the number of certificates of pension which have been issued under the said law; the number of cases suspended; the number rejected; and the number of applications received, that have not been acted upon." I have the honor to be, &c.

JOS. BLOOMFIELD, *Chairman*.

HON. J. C. CALHOUN,
Secretary of War.

WAR DEPARTMENT, December 22, 1819.

SIR: In reply to your letter of the 17th instant, inquiring "into the manner in which the act of the 18th March, 1818, has been executed; ascertaining, as far as may be practicable, the class or classes of cases which it has been construed to embrace, and such as have been excluded from its provisions," I have the honor to enclose a copy of the regulations which have been adopted by the Department to carry it into effect.

The act has invariably received a strict construction, and none have been intended to be admitted but those who, under such construction, were believed to have "served in the war of the Revolution until the end thereof, or for the term of nine months or longer, at any period of the war, on the Continental Establishment," and who were in such "reduced circumstances in life" as to be "in need of assistance from" their "country for support;" to all of which facts, the oath of the party and the certificate of the judge have been required. Under which construction the following classes of applicants have been excluded:

Those who are not in such reduced circumstances in life as to need assistance from their country for support.

Those belonging to the general civil staff, the medical excepted. Under this head are included quartermasters not holding commissions in the line, but acting under warrants from the head of that branch of the staff; wagon-masters and wagoners; forage and barrack-masters; artificers, such as carpenters, &c.; batteau-men, employed in the quartermaster's department, in the transportation of troops or military stores.

Those who belonged to State troops, *i. e.* military forces of every description, acting under the authority of, or commissioned by, the Executive of a State, and not by Congress, and those who belonged to corps for local defence, except such as were recognised by the old Congress as being on the Continental Establishment.

Those who served in privateers, transports, vessels bearing despatches to foreign countries, as well as

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persons who served in civil capacities on board of national vessels of war, such as captains' clerks, &c., are also excluded.

Finally, those who, though they served nine months, did not so serve under one enlistment.

To answer that part of your inquiry, "whether the objects contemplated by its passage have been, or probably will be, effected by the operations of the law; and, if not, whether it be susceptible of such amendments as will insure the accomplishment of those objects," it will be proper to consider those who are intended to be benefited by the act in two different characters: first, whether they were of the description of persons, and performed such military or naval service, as is contemplated by the act; and, secondly, whether they are in the condition in life, as to property, which Congress intended. It is believed that, under the first description, the object of the act has been effected, and that very few frauds have been attempted; and of those it is believed that none, or very few, have proved ultimately successful. Great pains have been taken to collect all the documents which would supply the place of those which were destroyed when the War Office was burnt; and, with this view, a correspondence was opened with the Executives of the original States, to obtain copies of those which were preserved in the archives of their respective States. Where the defect of those in the Department has not been supplied, greater caution has been observed as to the proof of service. It will be proper here to observe that, at first, occasional errors were committed in determining the character of certain regiments or corps; and some were considered continental, which, on full inquiry, proved not to be so. Where such errors have been committed, they have been corrected, and those improperly admitted have been dropped from the list of pensioners. It is believed that the act has been less successfully executed in regard to the condition in life, as to property, of those who have obtained pensions. A very great number of communications have been received by the Department, from respectable sources, which represented many of the pensioners to be in more affluent circumstances than that which the act contemplated. A memorandum was directed to be made of all such cases, in order that such as seemed to require it might be inquired into. In some cases, where there appeared to be satisfactory proof of fraud or mistake, the pensioners have been dropped from the roll. The impositions or mistakes, if they exist, as it appears probable they do to a considerable extent, have taken place, notwithstanding the continued vigilance of the Department. Impositions as to the circumstances of the applicant were early apprehended, and, to guard against them, the oath of the applicant and the certificate of the judge as to his reduced circumstances, though not expressly required by the act, were required by the regulations of the Department. But it is obvious, where the judge has been careless, or has been imposed on by the applicant as to his property, the Department can rarely have any means in its power to prevent the consequence, but from the informal information or impression of such persons as may feel an interest in the correct execution of the act. Even facts thus communicated have usually been received after the pension has been granted. There is another difficulty connected with the execution of this part of the act of still greater magnitude—I refer to the various constructions which different judges give to the words "in such reduced circumstances in

life as to need the assistance of their country for support." It is believed the difference in the construction has been very great; nor has it been possible for the Department to give specific instructions to them as to their construction, as the necessity of the applicant does not depend simply on the amount of property which he may possess, but on many other circumstances. His health and bodily strength; the number and ability of his family to aid in his support; the cheapness or dearthness of articles of subsistence in the section of the country in which he resides; and many other circumstances,—have a strong bearing on it. In the midst of these difficulties, the necessity of the applicant must, in most cases, be left to the sound discretion of the judge.

I am not aware of any amendment of which the act is susceptible, by which uniformity of construction can be secured on the part of the judges, or imposition on them much diminished, unless it should be the intention of Congress to confine their bounty to the lowest grade of poverty. Any condition above mere indigence would admit of a latitude of construction; and it appears impossible to fix on a particular amount in value of property to entitle the applicant to a pension which would be just in its operation, or which would not involve great difficulty in its execution.

The number of pension certificates issued under the law amounts to	- - - - - 16,270
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The number of claims received and acted on is	28,151
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The number of claims received and not acted on is	- - - - - 404
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Total	- - - - - 28,555
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It is impossible to state precisely how many have been absolutely rejected or how many suspended, as in some cases claims which have been rejected have afterwards been admitted; and others which have been suspended have been finally rejected. If, from the total number of claims admitted, be subtracted the total number received and acted on, the number suspended or rejected will be 11,881. I have the honor to be, &c.

J. C. CALHOUN.

Hon. JOSEPH BLOOMFIELD,
Chairman Com. Rev'y Pensions.

Rules and Regulations for substantiating claims to pensions, to be observed under the law of Congress, of the 18th of March, 1818, viz:

Regulation of March 26, 1818.—The commissions of officers and the discharges of the regular soldiers of the army of the Revolution, (if in existence) applying for pensions under the above act will, in every instance, be furnished to the War Department; and the signatures of the respective judges certifying in these cases must be attested by the seal of the courts where such judges reside; the person applying for pension to declare, under oath, before the judge, that, from his reduced circumstances, he needs the assistance of his country for support.

Regulation of May 27, 1818.—It is expected that the judges will certify as well to the reduced circumstances as to the continued service of nine months, required by the law of the 18th of March, 1818; and pensions will invariably be refused unless the declarations of the applicants shall be accompanied by such certificates. The applications for pensions belonging

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to New Hampshire, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, will be delayed until further evidence of their service shall have been received from the several executive officers of the States.

Regulation of June, 1818.—In a case where the name of the applicant cannot be found on the rolls, the evidence required to substantiate his claim is the deposition of two disinterested witnesses as to the service and discharge of the applicant, corroborating his own statement. The magistrate who administers the oath must certify to the credibility of the witnesses, and the official character and signature of the magistrate must be attested by the county clerk, under his seal of office.

[This rule has extended to such cases only as seemed to require extraordinary proof—in a case, for example, where the rolls of the regiment in which the applicant served were complete for the period at which he is stated to have served, and his name could not be found; and in cases where the applicant's statement has not agreed with historical facts.]

WESTERN DEPOT, &c.

Mr. Cook submitted the following preamble and resolutions:

Whereas, an enlightened and liberal policy dictates the importance and propriety of rendering the navigable waters of the interior of our common country as extensively subservient to its commercial interests as is practicable; and whereas the importance and utility of the majestic rivers Mississippi and Ohio would be much increased by the establishment of a convenient place of deposit near their confluence: and whereas doubts are entertained as to the eligibility of the site at their immediate junction for that purpose: Therefore,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appointing a suitable number of commissioners, to examine that tract of country lying between the said rivers, with instructions to report to this House, at the commencement of the next session of Congress, a topographical description thereof, accompanied with their opinion as to the most expedient plan of adapting a suitable portion thereof to the purpose aforesaid.

And whereas the durability of this Government greatly depends upon the equal dispensation of advantages, by Congress, to the different sections of our Union, as well as upon the virtue of the people: and whereas the North is already provided with an Academy, at which a proper number of her sons are taught the military art, a perfect knowledge of which is so important to the certain defence of our rights, and so auspicious to the saving of both the blood and treasure of the nation: and whereas the establishment of a National Armory in the West would, in its operations, produce the disbursement of a part of that money in the same quarter from which it is so profusely drained, by the sales of the public lands; and, at the same time, place at the immediate command of the Government, and at a suitable position, the necessary arms for the defence of an extensive frontier: Therefore,

Be it further resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of requiring the said commissioners to examine if there be a suitable situation for a Military Academy and National Armory near the junction of the aforesaid rivers; and also to examine and ascertain the

probable metallic resources of the surrounding country, not exceeding fifty miles distance from the confluence aforesaid, suitable for munitions of war, and report the same to this House, with the report before required.

And the question having been stated, "Will the House now proceed to consider the same?"

Mr. Cook said, in offering these resolutions, which did not call for a decisive expression of the sentiments of the House as to the expediency of the measures they proposed, but simply to invite inquiry, it was not his original intention to have said any thing upon the subject. But, said he, as every proposition which may produce the expenditure of public money in its ultimate consequences, seems, as it should be, to be met at the threshold, and scrutinized with caution, it may not therefore be improper to explain, in a cursory manner, some of those inducements which have led to these propositions.

In doing so, Mr. Speaker, it will be necessary to premise, that the peninsula or point formed by the junction of the Ohio and Mississippi is thought to be too low to be useful as a permanent place of deposit. Of this fact, however, it is proposed that Congress shall be informed by the report of the Commissioners. But, although this is believed to be the fact, it is universally admitted that that defect may be remedied, at an inconsiderable expense, by connecting these rivers a short distance above their natural junction. And of this fact, also, it is proposed to inform Congress by the report of the same Commissioners. And, sir, when the eye is cast over the vast extent of fertile country, which finds its numerous commercial highways concentrating at this point, and more especially since the employment of steam power in facilitating that commerce, is not the attention at once rivetted to this position, and its improvement suggested as a grand desideratum to the commerce of the West? Sir, the voice of the West has not been silent on this subject. The public prints and the tongues of intelligent men have both been employed in endeavoring to bring this subject before the community, as one deserving their peculiar attention.

If we look to the East and to the North, we behold the Ohio, and its every tributary branch that is navigable, pointing *there*, as the proper place at which to transfer the cargoes of their small and slender boats to those more sturdy and substantial, which ride the Mississippi. If we look West and North again, the Missouri to the Yellow Stone, the Mississippi to the Falls of St. Anthony, and the Illinois to the bosom of the Lakes, are performing the same admonitory office. And the truth of these admonitions has, unfortunately for the West, been distressingly verified during the last year. The folly of attempting to carry on an uninterrupted intercourse between these streams on which the "little boats" may safely venture and New Orleans, by means of the ordinary steamboats, has been too fully demonstrated of late. The Ohio and Mississippi, above their confluence, although occasionally presenting a spectacle equally interesting to the farmer and the merchant, during the last season, owing to that unfortunate attempt to

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carry on this uninterrupted intercourse, have presented a spectacle of nothing but gloom, portending distress to every class of the community. Those streams, the channels of an occasionally animated commerce, have, during the last season, been, as it were, a crowded dry-dock. Vessels, too large in their construction for those waters, are even now to be seen lying aground, which have not moved for months past. Establish, then, but an intermediate place of deposit, and boats of a proper size will keep within their proper sphere. The produce of the farmer will no longer lie mouldering on the water, and the merchant in due season will receive his returning supplies. I do conceive it important, therefore, Mr. Speaker, to the prosperity of the Western commerce, that a permanent place of deposit be established at that point. And, while I entertain the opinion that a just proportion of the funds of the country cannot be better employed than in promoting its internal improvement, I have endeavored to bring the subject before the House in such a manner as to avoid coming in conflict with the Constitution. For, Mr. Speaker, if we cannot appropriate the money in the Treasury, we can a certain per centum on the sales of the public lands within the State to that object. To this, it is believed, there would be no Constitutional impediment. The uniform practice of the Government would sanction it.

But, sir, from the resolutions before you, it will be seen, that my views on this subject are not confined to the commercial deposit. For although I view that as an object of the last importance to the West, the accomplishment of which would impart new life to the agricultural as well as the commercial spirit of the country, yet I consider the establishment of an academy and armory as objects of much importance, both to the Government at large, and to the people of that section in particular. It is important to the Government, because it would have a happy tendency to remove any jealousy which may have arisen with these people in consequence of their having so long expected those establishments without having those expectations realized. It is important to them in particular, because of its numerous local advantages. But, above all, when we survey that vast extent of frontier which lies exposed to hostile invasion, and reflect that the means of defending it must, in a great degree, be drawn from the West, can we do otherwise than acknowledge the importance of having a proper knowledge of the military art cultivated amongst us? I mean, sir, that knowledge which will enable us to select competent officers from amongst ourselves, who, from education, habit, and similarity of climate, will know how to lead us on to victory? who will know how to command aright in the hour of conflict? In this point of view, I think it important to have a military academy in the South as well as the North.

The establishment of a national armory in that quarter I also consider of sufficient importance to merit the attention of the Government. That those arms should be convenient to those points which are most vulnerable to the enemy will also be admitted. And where, I would ask, can they

be manufactured so as to be transported to so many points with greater facility than from the mouth of the Ohio? Sir, if the Government must have arms, and that point is as convenient as any that can be selected, why not employ the capital necessary to carry on the manufactory in that section of the country? Daily is the Government draining the West of its circulating medium, while but little of that medium is again disbursed amongst us. If the arms necessary for the use of the Government in that quarter of our Union can be supplied, as I do verily believe they can, there, I submit, sir, if they have not some claims to furnish them? Would it not be received as an evidence of the equal justice of Congress? Would it not also have a happy effect in reconciling local jealousies? And it would also be the means of keeping amongst us a small proportion of the money which we are daily advancing to the Government for our lands; and this, sir, though last, is not the least important view of this subject.

Until the resolutions were on your table, I did not intend, Mr. Speaker, to have said any thing in relation to them; but, having changed that determination, I hope what I have said will secure to them the consideration of the House, and that, when considered, they will be adopted.

[On the question being put, the House refused to consider the resolutions.]

WEDNESDAY, January 5.

Mr. KENT presented a petition of a board of managers appointed at a meeting lately held in the city of Washington, of a number of citizens of the United States friendly to vaccination, praying for an act of incorporation, the better to enable them to carry into effect the plan and the benevolent purposes for which their association has been formed; which was referred to a select committee; and Messrs. KENT, SMITH, of North Carolina, ABBOT, BURWELL, and BATEMAN, were appointed the said committee.

Mr. WILLIAMS, from the Committee of Claims, made an unfavorable report on the petition of Ambrose Whitlock, which was read, and, after an ineffectual attempt by Mr. STROTHER to have the report reversed and made favorable to the prayer of the petitioner, the report was concurred in.

On motion of Mr. ARCHER, the Message of the President of the United States, dated January 13, 1813, communicating a law passed by the General Assembly of Maryland, in relation to the Chesapeake and Delaware canal, was referred to the Committee of Roads and Canals, and they were instructed to inquire into the expediency of extending the aid of Government towards uniting the waters of the Chesapeake and Delaware.

On motion of Mr. WOODBRIDGE, the Committee on the Judiciary were instructed to inquire into the expediency of causing a distribution of a competent number of entire sets of the laws of the United States within the Territory of Michigan.

On motion of Mr. SLOAN, the Committee on the Public Lands were instructed to inquire into the expediency of providing by law for the sale of the

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thirteen sections of land in the district of Canton, in the State of Ohio, which were reserved for the use of the Delaware tribe of Indians, and relinquished to the United States by said Indians, in the treaty concluded at the foot of the Rapids of the Miami of Lake Erie, on the 29th September, 1817.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act for the relief of John A. Dix," and "An act for the relief of certain persons who have paid duties on certain goods imported into Castine;" in which bills they ask the concurrence of this House.

The said bills were, respectively, read twice, and referred, the first to the Committee of Claims, and the second to the Committee of Ways and Means.

The Committee on Manufactures were discharged from a consideration of so much of the memorial of the merchants and other inhabitants of Baltimore, presented on the 3d instant, as relates to the African slave trade, piracy, and privateering; and it was referred to the committee on the subject of the African slave trade.

The following engrossed bills were severally read the third time, and passed, viz: The bill for the relief of James Hughes; the bill for the relief of the representative of Philip Barbour; and the bill for the relief of Anthony Burk.

The bill for the relief of the legal representative of the late Colonel Daniel Appling was read the third time; and, on the question, Shall the bill pass? it was decided in the negative. So the bill was rejected.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of the expenditure and application of such moneys as have been drawn from the Treasury on account of the War Department for one year, ending the 30th September, 1819, in virtue of the acts of appropriation of 1819; and of unexpended balances of former appropriations remaining in the Treasury on the 1st October, 1818; which was ordered to lie on the table.

ARMY AND NAVY.

On motion of Mr. QUARLES, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reorganizing the Army of the United States.

[Mr. QUARLES said, in regard to this resolution, that justice to the officers of the Army of the United States, and those concerned in its organization, as well as to satisfy the wish of the people of this nation, the investigation contemplated in this resolution was required. If we have an army of officers and privates, properly proportioned, its character ought to be reinstated to that part of the nation who entertain a different sentiment; on the contrary, if we have an army of officers almost exclusively, and which is drawing large sums of money improperly from the public Treasury, the country should know it, and the evil be remedied.]

On motion of Mr. QUARLES, it was

Resolved, That the Committee on Naval Affairs

be instructed to inquire into the expediency of suspending, for a limited time, so much of the standing appropriation of one million of dollars for the increase of the Navy, as may be consistent with the public service; and also to inquire whether any other reduction of the expenses of the Navy can be made, consistent with the public service.

[In introducing this resolve, Mr. Q. said, it appeared that the resources of the country and our embarrassed condition called aloud for the retrenchment of our expenses; and although he was as much disposed as any man to cherish and encourage the Navy of our country, whose gallantry had on all occasions given such splendor to the American arms, it seemed to him well worthy the consideration of Congress whether we may not do too much. We appropriate, said he, \$1,000,000 for the increase of the Navy annually. This sum is employed exclusively in building new vessels. These vessels, when completed, have to be manned, which is another source of expense, and by the vessels being built, and the consequent expense of manning them, we are accumulating an alarming annual expenditure. Does not prudence dictate that we pause awhile, and inquire whether the nation had not better omit so much of the appropriation as applies to building the vessels; and, if it should be thought proper, procure materials and have them in a state of preparation, when our country has more control of funds, or the situation of the nation shall justify it, and make it imperiously necessary; then recommence the building of vessels.]

CONTESTED ELECTION.

Mr. TAYLOR, from the Committee of Elections, to whom was referred the memorial of Rollin C. Mallary, contesting the election of Orsamus C. Merrill, a member from Vermont, made a report favorable to the prayer of the petitioner, and concluding by recommending the adoption of two resolutions—the first declaring that Mr. Merrill is not entitled to a seat in this House, and the second, that Mr. Mallary is entitled to a seat in this House.

The report was committed to a Committee of the whole House—Mr. Mallary was ordered to have a seat within the bar of the House during the consideration of the report; and Mr. Merrill's defence, with the other papers, ordered to be printed.—The report is as follows:

The Committee of Elections, to whom was referred the petition of Rollin C. Mallary, contesting the election of Orsamus C. Merrill, who is returned as one of the Representatives of the State of Vermont in the present Congress, and praying to be admitted to a seat in his stead, have had the same under consideration, and report:

That the law of Vermont requires that, after the poll of the election shall be closed, and the result ascertained, a certificate of the number of votes given for each candidate, (of which a record shall be made in the town clerk's office,) signed by the presiding officer, shall be by him sealed up and superscribed, and shall be delivered to the Representative of the same or an adjoining town, who shall deliver it to a canvassing committee, to be chosen by the General Assembly. That the committee shall, on the Monday next follow-

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ing the second Thursday of October, sort and count such votes, and shall declare the six persons having the greatest number of votes duly elected as Representatives to represent the State in the Congress of the United States, and shall give notice thereof to the Chief Magistrate of the said State. The canvassing committee are required to make a list of the certificates by them considered legal, and also a list of such votes as are deemed illegal, and lodge a copy thereof with the clerk of the General Assembly, and the original certificates with the Secretary of State, to be by him preserved until after the first session of the Congress for which the election was held. The Governor is required to execute proper credentials to the persons declared to be elected agreeably to the said act.

The election in that State for Representatives in the present Congress, was held by general ticket on the first Tuesday of September, 1818, under the said election law. Thirteen candidates were supported by the freemen at the said election. The canvassing committee, in executing the duty required of them by the act above mentioned, counted and allowed to the sitting member six thousand nine hundred and fifty-four, and to the petitioner six thousand eight hundred and seventy-eight votes. They rejected, of the votes returned for the sitting member, in the town of Wardsborough, twenty-four, and in the town of Berlin, fifty-nine. They rejected, of the votes returned for the petitioner, in Fairhaven, ninety, and in Plymouth, forty-two. These votes are claimed by the petitioner. He also claims to be allowed the following votes, which, from the copies of the town records laid before the committee, appear to have been given in his favor according to law, but which were not returned to the canvassing committee. In Woodbury, fifty-six, and in Goshen, twenty-seven. If the votes in these four towns be added to the poll of the petitioner, it will give him fifty-seven votes over the sitting member, even if the Wardsborough and Berlin votes be counted in his favor. The petitioner admits that these votes ought to be allowed to the sitting member; but no evidence of their legality has been submitted to the Committee of Elections.

It is sufficiently proved that, in Fairhaven, Plymouth, Woodbury, and Goshen, the votes were given according to law, and certificates thereof were duly recorded in the town clerk's office of the several towns. But the presiding officer of the election in Fairhaven did not, as the law directs, seal up the certificate of votes after it had been recorded in the clerk's office, but sent it unsealed to the canvassing committee. For this cause it was by them rejected. No fraud is alleged, nor has the mistake done any injury to the sitting member. The town clerk's record is doubtless designed to guard against fraud. And it has not been the practice of the House of Representatives to allow votes given legally to be defeated by the mistake or negligence of a returning officer, especially in mere matter of form. The committee are of opinion that the votes of this town ought to be allowed to the petitioner.

The votes of Plymouth were rejected by the canvassing committee on account of the informality of the certificate of the presiding officer. It is as follows:

"Votes for Representatives to Congress."

Mark Richards	-	-	-	42 votes.
Rollin C. Mallary	-	-	-	42
William Strong	-	-	-	42
Charles Rich	-	-	-	42
William A. Griswold	-	-	-	42
John Peck	-	-	-	42

At a freemen's meeting legally warned, and holden in Plymouth on the first Tuesday of September, 1818, the above gentlemen were voted for Representatives to Congress. Plymouth, September, 1818.

LEVI SLACK, *Constable.*

MOSES PRIEST,

Town Clerk of Plymouth."

According to the statute, the certificate ought to have been thus:

"At a freemen's meeting legally warned, and holden at Plymouth on the first Tuesday of September, A. D. 1818, the votes for Representatives to Congress having been duly taken, sorted, and counted, the following persons had the number of votes annexed to their names, respectively:

Mark Richards	-	-	-	42 votes.
Rollin C. Mallary	-	-	-	42
William Strong	-	-	-	42
Charles Rich	-	-	-	42
William A. Griswold	-	-	-	42
John Peck	-	-	-	42

Given under my hand, at Plymouth, this first Tuesday of August, A. D. 1818.

LEVI SLACK, *first Constable."*

The Committee of Elections are of opinion that the form prescribed has been substantially adhered to, and that the votes ought to have been received and counted by the canvassing committee. It moreover appears that the town clerk's record is strictly formal, and that Levi Slack was first constable. These votes, also, are to be added to the petitioner's poll.

In the town of Woodbury, fifty-six votes were given for the petitioner, and a record thereof was duly made in the town clerk's office, but in the certificate sent to the canvassing committee, through the mistake of the presiding officer, the names of Rollin C. Mallary and Charles Rich were omitted, and the names of Pliny Smith, Thomas Crawford, and Thomas Hammond, who were candidates for the office of councillors of the State of Vermont, but in whose favor not one vote was given for Representatives to Congress, were inserted. The committee are of opinion that the error ought to be corrected, more especially as there exists a record, the verity of which is not impeached, by which the correction can be made.

In Goshen, twenty-seven votes were given for the petitioner, and one vote for the sitting member. The certificate of the election was made in due form, and recorded in the town clerk's office. The original was, according to law, delivered to the representative of the town to the General Assembly, whose duty it was to deliver it to the canvassing committee. From some cause, which does not appear, he neglected to attend the General Assembly, and did not send it by a representative of an adjoining town, because, as he alleges, such representative left home for the General Assembly at an earlier day than usual. The certificate still remains in his possession. It is the opinion of the Committee of Elections that the petitioner ought not to be deprived of the votes of this town by reason of the votes above mentioned. The votes of Woodbury and Goshen are therefore added to the petitioner's poll.

The committee annex to this report a brief statement presented by the petitioner in support of his petition, marked A. Also, an answer to the same, presented by the sitting member, marked B, and respectfully submit the following resolutions:

Resolved, That Orsamus C. Merrill is not entitled to a seat in this House.

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Resolved, That Rollin C. Mallary is entitled to a seat in this House.

A.

Remarks of Petitioner.

HON. JOHN W. TAYLOR,

Chairman Committee of Elections:

The fifth section of the first article of the Constitution of the United States provides "that each House (of Congress) shall be the judge of the elections, returns, &c., of its own members."

It is respectfully considered that the term "election," in a political sense, must mean the designation or choice of a person to perform the duties of some office. An "election" is an act performed by freemen possessing proper qualifications. The manner of performing it is immaterial, only as it may, or not, be sanctioned by some particular law. If by *viva voce*, when the declaration of the electors is made, the election is complete. If by ballots, when these are deposited by the people in the custody of the legal receiver, the designation is consummated. The electing power has then performed its office. The choice is perfect. All that follows is but the collection or preparation of evidence to ascertain the fact.

The sorting, counting, and recording of the ballots by town officers, and the re-examination and computation by others, are but so many steps taken not to make or complete an election, but to discover in what manner it has terminated.

To judge of an election, therefore, must, of necessity, imply the right of taking cognizance of the exercise of the electing power; of this, also, at the time when the designation is accomplished by the suffrages of the freemen.

The laws of individual States, from convenience or necessity, created a tribunal to determine for themselves, in the first instance, the election of representatives. They have determined what shall be the evidence, and when produced. If no one is injured, no reason exists for a re-examination.

It is true that the laws of a State may be binding on Congress when supported by the Constitution. That instrument has defined the limits of State power on this subject. It seems to be confined to the qualifications of electors, the times, places, and manner of holding elections. A State cannot prescribe to the House the rules of evidence, nor the time when that evidence shall be produced. It cannot declare that the report of a canvassing committee shall be conclusive in all cases whatsoever, nor the testimony on which it is founded, is all that may be used.

By the laws of Vermont, all the provisions for securing the evidence of an election are calculated solely for the State tribunal. The power of the House to interfere is not acknowledged. It would be unreasonable to say that the House should be bound by laws never intended to operate on its privileges; and, if intended so to operate, must be nugatory. It cannot be inferred that, because the canvassing committee are required to receive the certificate of a town clerk or constable as evidence, Congress is to receive no other.

Again, each House shall be the judge of the election. How can this be done if the State authority has the power to create an intervening obstacle? How can the House judge of a fact which they are not allowed to examine? How are they capable of judging, if the errors and mistakes of every petty officer through whose hands the suffrages of the freemen must pass,

are to be a perpetual bar to all knowledge of the original transaction? To have the right to judge of an election, and not to be allowed to approach it; to be governed by the voice of the electors, and not be permitted to hear it, must appear deeply laden with inconsistency.

I have understood that a distinction is to be taken between the cases of votes illegally returned by the town officers, and, on that account, not allowed by the canvassing committee, and the cases where votes were given by the freemen, and not returned at all. The latter was the fact as relates to the votes of Goshen and part of the votes of Woodbury. This is explained by the evidence.

It seems rational that a return, manifestly illegal, must be the same as no return at all. It appears difficult to discover a legal or equitable difference between a neglect to return the votes of the freemen, and a return so defective that no notice can be taken of it.

Hence, it is respectfully inferred that an election is complete when the electors have delivered their suffrages or ballots into the hands of the legal depository. That no mistakes or neglects of the agents of the freemen can alter or annihilate the fact. That no power exists, or can exist, to prevent the House from ascertaining that fact by such evidence as it may choose to admit.

A different construction would deprive that body of one of the most salutary restraints upon ignorance and corruption, and would rob the electors of the most effectual safeguard to their political rights. It would, in effect, be an admission that the honorable House must be composed of such as the officers of towns and counties should think proper to send, and not those whom the freemen, by their suffrages, had elected.

The proceedings in the State may always be considered, *prima facie*, correct. If no impeachment is offered, they need not be doubted.

But few decisions have come to my knowledge. All that may have an influence on the present case will readily present themselves to the minds of the honorable committee.

Permit me, however, respectfully to refer to the case of Willoughby and Smith, from the State of New York. The votes of the electors were given for "Willoughby, junior." A part were returned by the inspectors as having been given for "Willoughby." Smith was declared elected by the State authority. The House received evidence to prove for whom the votes were given by the freemen.

The name is *descriptio personæ*. The addition of junior describes another person, as different as Hammond and Mallary. To correct one requires no more power than the correction of the other. I make a reference to the evidence from Woodbury: Crawford, Smith, and Hammond, were returned to the canvassing committee by the officers of that town, in the room of Rich and Mallary. To the latter persons the votes of the people of that town were given.

I understand that the qualifications of freemen, at the time they appeared at the poll, have been after examined by the House. It is submitted whether this is not decidedly more independent of State authorities, a greater extension of the right of judging, than the simple allowance of the undisputed votes of the electors, which, by the negligence of their servants, had not been returned in season for computation.

It is said that, in 1804, a case from Georgia was de-

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cided, that seems to have some relation to the principle embraced in the present. A reference is made to that case in the report of the honorable Committee of Elections in 1817. By the laws of that State, the votes are to be returned within a given number of days. Some of the votes for one candidate were not returned within the limited time. The person for whom a lesser number of votes were given, was declared elected. The votes given for the other, and not seasonably returned, were allowed by the House, and the person for whom they were given was admitted to his seat.

Should, therefore, the honorable House be pleased to inquire whether Mr. Merrill or your petitioner was elected by the freemen of Vermont, the following statement of facts, it is believed, will be supported by ample testimony:

The State of Vermont was entitled to six members. The election was by general ticket. The six who received the greatest number of votes were elected: Messrs. Rich, Crafts, Strong, and Meach, were chosen, to whom no opposition can be made. Mr. Merrill, the sixth, received the least number of votes of any one declared elected; his seat is the one contested.

The whole number of votes counted to Messrs. Merrill, Griswold, and Mallary, is as follows. From the state of the poll, these are the only persons concerned:

	<i>Merrill.</i>	<i>Griswold.</i>	<i>Mallary.</i>
	6,955	6,908	6,879

The votes given in the following towns were not counted, viz:

Woodbury	-	-	56
Fairhaven	-	90	90
Goshen	-	27	27
Plymouth	-	42	42

	6,955	7,067	7094
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Which gives Mr. Mallary 27 votes over Mr. Griswold.

It gives Mr. Mallary over Mr. Merrill - 139

It is said that Mr. Merrill lost in Berlin 59

Do. do. in Wardsborough 24

— 83

Which leaves Mr. Mallary over Mr. Merrill - 56 when all are counted, exclusive of the eight votes given Mr. Mallary in Mansfield.

The votes in Berlin and Wardsborough were undoubtedly given for Mr. Merrill, and he is entitled to their allowance.

The following is an abstract of the testimony:

1. The copy of canvass rolls. This shows the whole number of votes allowed to each candidate. It gives copies of the certificates from Fairhaven, Woodbury, Plymouth, and Mansfield. It shows that no votes were counted for Mr. Mallary from Fairhaven, Plymouth, Woodbury, Goshen, and Mansfield.

2. In Woodbury, Richards, Mallary, Rich, Strong, Griswold, and Peck, each had fifty-six votes.

The officers in Woodbury, in making out the certificate, which was returned to the canvassing committee, omitted the names of Rich and Mallary, and returned, in the room of them, the names of "Crawford, Smith, and Hammond," for whom no votes were given.

Mr. Griswold's were returned and counted; Mr. Mallary's were not. By the statement from the canvass rolls, it appears that Griswold had counted twenty-

nine votes more than Mallary. By allowing Mallary the fifty-six votes given for him in Woodbury, Mallary will have over Griswold twenty-seven votes. Mr. Griswold's pretensions will then be set aside, as in all the other towns Mallary and Griswold had an equal number of votes.

The votes of Fairhaven were lost on account of the certificate of the votes being returned not sealed.

The votes of Plymouth were rejected on account of an informal certificate.

The votes of Goshen were not returned.

Notices were given by the magistrates of the time and place of taking testimony; which are returned with the depositions.

I gave notice of my intention to contest the election, as by the letter forwarded with the evidence. I also wrote Mr. Merrill, desiring him to inform me at what time it would be most convenient for him to attend the taking of testimony. A copy of that letter is also transmitted.

All which is respectfully presented to the honorable committee.

R. C. MALLARY.

B.

Reply of the sitting member.

To the Hon. JOHN W. TAYLOR,
Chairman of the Committee of Elections:

To answer some principles assumed by Mr. Mallary in his remonstrance, and to abridge, if practicable, the inquiry commenced by him, in support of his claim to a seat in the House of Representatives in my stead, I solicit the indulgence of the committee to the following exposition of the claims, rights, and principles, I urge in defence.

It would seem, at the first impression, that it was alone necessary to bring the conflicting claims and the just rights of the freemen, summarily to the law of the State, and the practice and adjudications under it. Further reflection indicates the necessity of a more prolix and minute view of the case, and chiefly so, by reason of the positions assumed by my opponent, and the principles connected with it, and which are of first importance.

The question embraces the important rights of suffrage, and it takes, within its scope, the State laws, authorities, and sovereignty.

Comment upon the important and sacred character of the right of suffrage need not be indulged, as this is familiarly known, abundantly recognised, and clearly illustrated, in all our rules, codes of rights, and constitutions. Its value, its guards, its tenure, and the practical rules for the exercise of its power, are therein delineated with sufficient perspicuity and ability. However unnecessary it may be to enlarge upon this bearing of the case under consideration, I apprehend it is not only pertinent, but essential to advert to it. It is equally as important to consider, that, from the quiet and pure character of the right of suffrage, contrasted with the turbulence, caprice, and passions of men, its exercise must, necessarily, be subject to such general and uniform rules of order as may be prescribed by the legislative power of the respective States, or of the Union. The Constitution of the Union has so declared; reserving to "the Congress," as the paramount power, the right, "by law, to alter the regulations of the respective States." "The Congress" refraining to do this, the State regulations are plenary, and must be sustained. The wise and ex-

perienced are, therefore, not at liberty to let it escape consideration, that the exercise of this right of sovereignty is not left a vagrant, capricious, or despotic act of power. In all well-regulated communities, it must be a creature of law: and it is our pride and boast that this principle is recognised and protected. Our Government is emphatically a Government of laws, and not exactly a Government of precedents, which may be arbitrary, and shape an individual case. If the prescribed provisions of law are not strictly observed in this exercise of sovereignty, it is difficult to define the rules by which it is regulated and secured. It is apprehended to be a point established, that, in every legitimate exercise of the right of suffrage by the freemen, they are to yield obedience to existing ordinances and regulations, and cannot be supposed to act in their sovereign capacity, except they act in obedience to the express laws they have caused to be enacted. A perfect conformity to all the requirements would seem, therefore, essential to the consummation of the act of election. I also consider, that, while without the law, whether in their individual or corporate capacity, the freemen are estopped from claiming any right or privilege, nor can they confer any. Any non-conformity to the statute of elections by one portion of freemen, is never to be construed to impair the rights of another portion of freemen, who hold rights in consideration of their fidelity to the laws in such case made and provided. Imperfect rights can never sustain competition with perfect rights.

From this view of the principles bearing upon the case, I am persuaded that the depositing, assorting, and counting of the ballots rendered by the freemen, and the sealing up and returning the amount deposited, in the form, time, and manner expressly prescribed, to the ultimate State tribunal of decision, in order that the aggregate will of the freemen may be known, is imperatively required to consummate the act of election, and perfect a choice. The requisites of the statute of the State are guards placed around the sacred character of the elective right, to preserve its purity, and give to its exercise all the necessary protection and solemnities; are therefore to be considered parcel of it, and essential; and their particular application by the law and usages of Vermont, is by the freemen; and I dwell with much emphasis upon the fact, *it is their act*, as they select and appoint special agents, whose character and conduct they know, and in whom they repose especial confidence.

This settled order of business, touching elections, as prescribed by the respective States, it would seem, is obligatory on the decisions of the House of Representatives, regarding the elections of its members, unless "the Congress, by law, have altered such regulations." This conclusion is founded on the fourth section of the Constitution of the Union; it is also founded on the broad basis of good sense, so far forth as it limits discretion, and the range of decisions, to the system of rules prescribed in the law of each respective State. It shields, also, from the imputation of caprice and irregularity, the exercise of the right of suffrage, the manifestations of the will of the freemen, and the decisions of the representative body of the nation: and, inasmuch as the law of the State is not in derogation of the Constitution, or any law of the Union, but pursuant to the Constitution, I feel much confidence that the statute of the State, the practices of the freemen, and the official expositions and decisions under it, will be respected.

That I may not be misunderstood, I ask leave to remark that, under a case of impeachment of State proceedings, the power of the House, and the duty of its committee, I apprehend is to inquire whether, in all the stages of proceedings, the Constitution of the Union, and the State regulations as to time, place, and mode of proceedings, have been observed; and if, in the investigation, it is found the State regulations are agreeably to the Constitution, and the requisites of the law have been regarded, the proceedings of the freemen and decisions of the State tribunals are in good faith to be recognised and accredited; otherwise the State law is an act of supererogation, and a nullity. Hence I admitted the persuasion, that the House of Representatives would never assume a power which can only be exercised by the Congress, and, therefore, the State laws and proceedings would be adjudged plenary, except previously modified by a law of Congress; and that, on the contrary, if the law is in derogation of the Constitution, or the proceedings are not pursuant to the statute, or provided the agents of the freemen have been fraudulent, or the tribunals of decision have been perverse and corrupt, then, indeed, the procedure is nugatory, and will be so declared; then the power of the House will be found remedial, and sufficiently ample.

As a regard to the will and prerogatives of the freemen, and a tender care of their interests, is ever a paramount inclination and duty with a faithful Representative; and as this case may seem to involve their rights and interests, and a mistake in reasoning on this case may happen, whereby their just rights may, in fact, be sacrificed, I would inquire, for whom is this investigation instituted? Not for the freemen. They have no petition here; their rights are not implicated; they do not feel injured. I repeat, the freemen of Vermont have preferred no claim; and yet, as Representatives, it becomes the House and its committees to cherish the rights of those freemen who have been industrious and faithful to their own rights, and who, by their diligence, have shown fidelity to the law. I repeat, they ask no other intervention; they have taken no step; they care not. The law is the guardian of their rights, and they know it; and they ask no other exercise of guardianship here. The freemen of Vermont are also aware that vigilance is their only safeguard, the title deed of their immunities. They ask not for the few who have not been industrious and faithful to their rights; they ask not that the beneficial and liberal system of legislative wisdom and providence should be made a sacrifice on the unhallowed altar of indolence and indifference, or that the consummated rights of the faithful should be immolated.

I beg leave to say, had I respected the rights of the freemen less, or had I been less sensible of the paramount motives which influence honorable members, I should have withheld reiterations of these facts; I should have contented myself with saying the freemen are not injured. Decide as members may, the freemen of Vermont have their full representation; the freemen of the Union are not injured, for Vermont has but its due proportion of representation.

Who are these petty town and county officers, whom my opponent speaks of as giving members to this House? They are the fathers and guardians of the freemen's interests; the choice men of each corporation; selected, yes, approved and appointed by the freemen themselves, as their legal and respected depositaries, and their agents to perform and fulfil for

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them the law, that not one jot or tittle thereof fail of its accomplishment; their acts are the acts of the freemen. This question should be stripped of all bias for the freemen, except to sustain the institutions which define and regulate their immunities. By whom is it asked that State regulations should be disregarded? Certainly not by the freemen. Such as have neglected the legal modes and certainties, and abandoned their rights which the law sustains, would have been estopped, by reason of their own laches, from asking the prostration or suspension of a State system; for the favor of law is not towards them.

I beg leave to ask, of whom is the destruction of a State system required? The Constitution and law of the Union are not asked; but it is asked of a branch of Congress, the people's Representatives. And shall one branch of the law-making power do it, under the arbitrary doctrine of precedent alone? No. Ours is a Government of express laws. Adjudicated precedents of practice are, not unfrequently, beneficial, and perfect the provident work of a Legislature, and, in all cases of doubt and ambiguity, they rather lean to prop freemen's diligence and fidelity. For any individual, then, should "shame light" upon a system established by a State sovereignty? The answer is to the case and in point. The case is a case of strict right between individuals.

In this view of the subject, I proceed to remind the committee of my opponent's remark, that "the proceedings in the State may always be considered *prima facie* correct." The proceedings in a State, done fairly, and conformably to law, in my opinion, are more than *prima facie* correct; they are as record evidence, which cannot be contradicted or altered by parol testimony. Neglect or mistake may defeat the rights of the freemen, by reason of not perfecting the evidence of a fact, or the legal manifestation of their will. The plea of neglect, or mistake, cannot be urged to contradict, vary, or destroy a legal proceeding, nor defeat a legal and vested right. State proceedings may be destroyed, by showing there was corruption. Actual fraud, or corruption, in any stage of the proceedings, and in whatever shape it satisfactorily appears, eradicates an otherwise consummated right; because it determines it no record, no act. I urge these doctrines the more strenuously, because the case under consideration is a question of strict right between two individuals. My opponent does not allege corruption, nor prove fraud; his parol testimony therefore is inadmissible, and altogether insufficient to impeach legal State proceedings, and my rights, which are sanctioned by the highest tribunal thereof, and consummated by the signature of the Chief Magistrate and the seal of the State. I consider my right to a seat in the House of Representatives identified with the rights of the greatest number of diligent freemen, with the law, and the decisions of the State authorities.

I contend, for yet other reasons, that the statute of Vermont is to be in force, and its requirements to be held inviolate. Deducible from it are the soundest rules of evidence; the best of which the case is susceptible. I hold on to this ground with the more confidence, because, in so doing, I conform to the decisions of the last and final tribunals of the State—I mean the tribunal of canvass, and the representatives of the State in General Assembly, to whom the committee of canvass report. Here it was solemnly and explicitly decided by actual vote, after due debate and deliberation, that the votes of the freemen in any incorporated

town, wanting in any of the requirements of the law, must be deemed illegal, and be rejected. Comment is probably unnecessary, yet I trust I shall be indulged in remarking, it is an acknowledged principle that the will of the freemen, unaccompanied by any act, cannot consummate a choice, because there can be no manifestation of their will. In towns where the choice is to be determined by ballot, the will of no individual freeman can be accounted any thing, except he makes deposit of his vote in the ballot box, for canvass, at the legal time and place. And in order that the aggregate vote of the freemen may be manifested, every political corporation must make deposit of the amount of its votes at the legal place, to the appointed board, and in legal time. As, in the first instance, the ballot deposit is the highest possible manifestation of the will of the individual freemen, precisely in the same manner, in the second instance, the deposit is the highest and most solemn manifestation of the aggregate will of the freemen of the State. The portion omitting to do this prescribed act have abandoned their rights, and, by their own laches, have rendered their rights imperfect and inchoate, and the power of reclaiming or perfecting them is lost.

Before I proceed to an examination of the precedents quoted by my opponent, I respectfully ask leave to urge that the use of precedents arrayed against the check usages, or precautionary ordinances of States, is only to be justified on an extraordinary occasion. They are to be used with great caution and the soundest discretion, at all times, and are never to be adopted to destroy legal certainty, or to extend the consummation of an act beyond the statute period of conclusion. Even the sovereign power of Congress has its limitations, and an integral portion of that authority has its restraints. I hold it correct in principle, that, until the Constitution shall have been modified, or until the Congress shall have altered, by law, the State election regulations, and made a uniform course of practice, the decisions touching elections cannot be uniform, but must be graduated to the varying and peculiar regulations of each State respectively. The requisites of return, &c., prescribed in the law of Vermont, were suggested by practical abuses, or well-founded apprehensions of imposition on the fair rights and will of the freemen, and were intended as checks and adequate guards against their recurrence and existence. The like evils may only sectionally occur, and the like apprehensions may arise from causes purely local. The like remedies and precautions will not, therefore, generally demand legislative interposition. And to break down provisions of this character by the power of precedents, adopted under other circumstances, cannot be friendly to the dearest rights of freemen.

The uniform principles of decision in the New England States, as I have been informed by honorable gentlemen, have been strictly with their laws. And if the laws and decisions of States are to be held of no weight and nugatory, I am of opinion the safer course is for "the Congress" to alter the State regulations by law, and that the altering or nullifying them by mere precedents is questionable and rarely to be tolerated.

Inasmuch as precedents of this character are alleged by my opponent to exist, I proceed to examine them. The detailed report of cases, with all the facts and reasons governing the precedent, are necessary to find its analogy and relationship to the case in consideration. The cited case of Georgia is an entirely differ-

ent case. The reasons for non-compliance with the law regarding returns, was not urged as a laches of the freemen, but was a providential prohibition. The maxim that the "act of God injures no man," in this case has all its force, and is not to be disputed; the decision was correct. It can have no bearing in the present case, which was an *abandonment* by the freemen of their legal rights, as, in the case of the town of Goshen, they neglected to make return, not only within the legal period, but even to this day. And in the towns of Fairhaven, Plymouth, and Mansfield, the case was determined against them, under solemn adjudication, by reason of their *own acts*. They did not obey the law, by reason of indolence, or a want of diligence, neither of which is a competent plea to delay or change the operation of law, or to arrest and subvert its commandments. The case of Georgia, by an examination of it in its details, shows that the returning officer is admitted to have made use of all due diligence. And the allegation was, that, by reason of an unusual and tremendous storm, or hurricane, by which the country was inundated, bridges were swept away, and the ways were rendered impassable, he was prevented by this act of God from fulfilling the law. There is, therefore, no similitude in the cases, and the precedent does not apply, and in fact is no precedent; it is a solitary case. The fact to be decided was as to the admission of proof of the alleged act of providential prohibition regarding return. So far as regarded this point, it may be received, and stand as an unsettled, solitary precedent. Inferences, remarks, or decisions, beyond the point in issue, or submission, are extra-judicial and without the case, and cannot be drawn in as precedent. This I judge to be a distinction correct in principle, and warranted by practice. The present case was a non-observance of law, without any alleged providential excuse; it was an essential legal laches of the freemen—the fact is acknowledged by my opponent, that the law was not complied with. The decision called for was, I repeat, as to evidence regarding the cause of failure, and they decided not to "receive any evidence on that point;" all besides is to be considered argument. It might be logic in that peculiar case. There is, however, an important distinction in that from the present case which I have here mentioned. The doctrines of precedent should never set statutes at defiance, and bring into contempt the acts of a Legislature; they are to be taken in their most strict sense, and are never to abolish express, fixed, Constitutional law. The doctrine of precedent, in any other view, is perilous and dangerous in the extreme. It "assumes power without control, on the spur of the occasion, and after the fact, and makes its decision the law and the judgment." If there is "fixed law," it must be followed: if there is no law, "the judgment on any particular case is the law of that single case only, and dies with it." And this is more emphatically a sound principle, under our Government.

The extra-judicial remarks in the cited precedent case are of such dangerous measure as to place States in a humiliating predicament. The freemen, in their sovereign capacity, pursue duties and perform acts, agreeably to their laws, which they enacted as barriers of safety, and within which they reposed in confidence. Yet, after all, a precedent never promulgated can sink its character and importance; destroy, by a touch, the manspising of its power, and dissolve all its sanctions and securities. It is a predicament which

exhibits a most unnatural state of things; as the only power, competent to create a new power, is the "Congress," and they may do it by law. In the present case I desire it may not be forgotten that the return is the act of the freemen, and the omission of return by any portion is their own laches, as the returning agent is a creature of their own appointment, and his legal neglect concludes a forfeiture.

The case from Massachusetts, of Baylies and Turner, named by an honorable member of the committee, regarding the addition or omission of "junior," is a case, in my apprehension, distinctly marked as inapplicable. The freemen, in that case, felt aggrieved, and they petitioned. In the investigation of the case in which this decision was had, it was found that Turner, senior, lived out of the district, and was ineligible by the law, and as dead; and therefore the freemen are not to be supposed to vote for a person dead in law, or naturally dead. I believe it is a settled principle in judicial proceedings, that the affixing or omitting the appellation of "junior," may be sufficiently certain; and it becomes a fact to be inquired into, whether the person be well designated and known by either description, as well by one name as the other; and I consider, in a case of ineligibility, or actual death, the fact is clearly ascertained. The cases of "jun." are a matter of fact, and may be inquired into, and are not to be measured by the same rule as legal laches, which produces a forfeiture. It is to be judged of according to the best evidence produced. And, in my judgment, the distinction is palpable between this class of cases and the present case, where in the original return an entirely distinct name is entered. Mallory and Hammond, in no case, can come under one and the same description of person, or be understood, under any circumstances less than legislative interference, which may give a new name, as designating one and the same person. The case of Woodbury, by my opponent, was brought to this class of precedents; the cases are not analogous, for the reasons assigned. If we pass to the evidence which my opponent has produced, we shall find that the settled rules of evidence, in constant practice in our courts, invalidate his evidence. The original officially sealed certificate returned is the declared and best evidence, and made so by express law. And this evidence, by my opponent's exhibit, shows no such fact as his having received any vote in the town of Woodbury. The copy record of a town is by no means equal evidence. The case appears to me analogous to the case of a deed of conveyance; for instance, the original and sealed deed conveys two hundred acres of land; the copy of it spread upon the record puts down the amount conveyed at one hundred acres. I apprehend no legal doubt could be raised on a question made, which ought to have the precedence, and which is the highest and best evidence, the original or the copy. The statute in section six, in my view, intimates that the Legislature had the same view. They not only made the sealed, original certificate, done in statute form, the legal evidence in the previous sections, but in the cited section they direct "that the committee appointed by the General Assembly, for the purposes mentioned in the act," "shall preserve and lodge the original certificates with the Secretary of State, until after the first session of Congress for which the said election is held."

The guards and provisions of the act of the Legislature of Vermont are to be regarded as so many admo-

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nitions of the fallibility of human conduct and testimony, and are, therefore, to be held as a definitive standard, whereby are to be ascertained the highest and only legal manifestation and expression of the will of the freemen. I therefore feel constrained to repeat, that the original certificate made out and sealed in the presence of the meeting of freemen, and returned to the tribunal of aggregate canvass, and which is sustained by all the prescribed legal forms and official solemnities, is the best evidence. And that the copy of the record of the town of Woodbury, and the affidavits procured and adduced by my opponent to contradict the original certificate, to make the most of them, are as objectionable and uncertain; and their admission to even an equality would be a disregard of settled principle, unlawful, and dangerous in practice. Indeed, it is unsafe to forget that the treacheries of memory, and the perverse motives which too often actuate human conduct, are usually more multiplied after the general result is known in defeat, and revived by contest, than they are at the consummation of a fact happening before the case is made out. And, besides, any adjudication under the circumstances of the case, and after the fact, repudiating statute evidence, would, in its character and consequences, be *ex post facto*.

The petitioner nor the sitting member is to be put in contest with express law, nor can they be injured by the fair and full operation of the law of election. By this only can either be entitled to the honor of a seat as a member on the floor of Congress; and they ought not only to disclaim, but disdain to occupy a seat on any other tenure.

The freemen are not injured by the law. The question, so far as regards them, is this: Shall a majority of the freemen, who have regarded the integrity of their rights, been diligent in their duty, and obedient to law, prevail? Or, shall that portion of freemen prevail who, like the unwise virgins, did not trim their lamps, who neglected their rights and duties, and who were unfaithful to the law?

Mr. Mallary, who instituted the present contest, received a less number of the legal votes of the freemen of Vermont than did either of the sitting members from that State; and I declare this in all soberness, under the authority of express law, and by virtue of the sanction of the legal State authorities, who have so declared the law and the fact; and I do it more boldly, as collusion or fraud is not alleged in any stage of the proceedings.

The habits of the freemen, by usage, are in conformity to the law; they have decided for the law, and in practice they have observed it in its strictness, except the small number of from two to three hundred. The agents of the freemen, and the tribunals of the law, have decided for it. The Constitution of the Union authorizes it, and, from an imperative sense of duty to the freemen, to the law, and the State authorities, and to the Constitution of the Union, I solicit the representative branch of Congress and its committee to confirm the law of the State, and every and all its provisions, guards, and solemnities, according to the long settled judicial usages of construction, and the rules of evidence. Nor can I doubt it. Detection of frauds upon the law, and impositions upon the freemen, will receive rebuke. A prodigal use of power will not be sanctioned anywhere.

I therefore would move the committee to view the case in the following order, and make their decision accordingly. The facts and statement of my oppo-

nent justify this classification of the points in contest, viz:

1st. Ought the adjudications of the State legislative tribunals of canvass to be overruled, and their decisions to be reversed, which were made in conformity to the law and the usages of the States, and in all verity and good faith?

This point involves the towns of Fairhaven, Plymouth, and Mansfield, whose votes my opponent claims.

The attention of the committee is respectfully called to the law of the State, entitled "An act for electing Representatives to the Congress of the United States, and directing the mode of their election." The policy and provisions thereof are easy to be understood; and the decisions were conformed to the letter and spirit of the law.

2d. Can the votes of Goshen be adjudged legal, and ought they, upon any principle, to be counted for the petitioner?

The votes of this town were not returned at the legal period, nor have they been returned to the present day; there is, therefore, no legal evidence of any votes having been given at all by the freemen of said town of Goshen. The original certificate has not been exhibited, nor is it believed there is any precedent or any decision relative to this case.

3d. Is the petitioner's claim to the count of votes said to be given in the town of Woodbury, substantiated by the best evidence? And ought the said votes, claimed to be given for my opponent, on the evidence exhibited, to be taken down in the estimate of votes to be made here to defeat my rights? And is the statute evidence, the original official return of the returning officer, repudiated?

I cannot allow myself, for a moment, to entertain an idea that the House of Representatives, or its committee, will so decide as virtually to repeal or render nugatory the cautious and prudent enactments, the express law of a State sovereignty, or the deliberate decisions of its authorities; or that the plainest and most settled rules of construction and evidence will be prostrated; or that these guaranties of the freemen will become as lodgers or exiles in the metropolis.

The present period, marked by the absence of political asperity and party prejudices, is perhaps a favorable period to alter by law the election regulations of States, and to substitute a uniform system. This, however, is a different consideration, and only advanced at this time in allusion to arguments before suggested, touching power.

It is a remark frequently made, that precedents are not necessarily, and ought rarely to be binding on a legislative body. The views taken of a subject may be different; motives extraneous may bias the judgment, and give to it erroneous tendencies. The times through which we have just passed, I think, give additional force to the remark, and induces the necessity of caution and technical nicety in their admission, if admitted at all, to justify a contested and doubtful exercise of power. I wish it most distinctly understood that I rest my case on the law of the State, and the Constitution of the Union. I strenuously and boldly urge that the power of the House of Representatives, and its committee, as judges of the election, returns, and qualification of members, are limited to the law of the State and the Constitution; they are to inquire and decide whether either have been infringed, and whether all proceedings have been done in good faith.

They are not authorized to step behind a Constitutional statute, except to see whether its provisions have been regarded. The statute is the act of the freemen, and is the expression of their will; and it is as vitally important to them as the deposit of their ballots. The House of Representatives, without the co-operation of the other branch of Congress, cannot pass behind the law of Vermont, to alter or contradict it, without the exercise of unconstitutional and dangerous power. They would do no act of friendship to the freemen, by throwing to all the winds their statutes and their policy, and exercises within it. I have examined the manuscript decisions touching elections, and I find none at variance with the ideas and principles I have suggested. The decisions on points in issue, from my observation, either sound in fraud, or are matters of fact, which, by settled judicial precedent and practice, have been considered suitable matters to be inquired into under proper pleas. They have never decided that rights legally abandoned, or rights lost by legal laches, might be reclaimed and perfected out of legal "time, place, and manner." They have attached to, and involved in their reports extra-judicial inference and remark, which I think no man will declare is to be drawn in as precedent. The cases of "junior," as I have treated them, I consider familiar to lawyers and judges, and known under legal authority. Other cases of inquiry and decision, as to qualifications of voters, whenever acted upon, were, I believe, expressly alleged to have been received contrary to law, and by reason of imposition or deception. The general character of questions made, and decisions had, are of this class, and did not arise, nor appear in decision, in opposition to express law. I can find no case, where, in the course of inquiry as to qualifications of voters, the State statutes have not been esteemed the standard tests. Should I have overlooked any cases of different character, and which may bear on the present case, they should be published, in order that conflicting decisions, tribunals, and laws, may find the necessary remedy.

I remember (and presume it is within the knowledge of others) at the last Congress, in the case of Mercer and Mason, a question as to the legal construction of the election law of Virginia was raised incidentally in committee. The section in point was considered ambiguous, and susceptible of two constructions, by several professional members of the committee. Inquiry was, therefore, gone into, to ascertain the practical definition or exposition of the law by the State of Virginia; and when that was satisfactorily found, the decisions of the committee took the same direction.

I, therefore, for my constituents, protest against the relevancy and authority of inference and remarks made extra-judicially, and extraneous of the point strictly in issue, and the more especially when they tend to nullify State laws, repudiate State practice, and consequently draw after them unlicensed and dangerous power.

If, however, it is deemed correct that decisions made here, under any circumstances, are paramount law, wherefore are they not promulgated? And the mode and reasons which gave them being and power should have equal publicity. It should be generally known whether they passed after solemn argument and profound investigation, or whether silently, and without question. States, then, might modify or repeal their laws altogether, and "the Congress" might direct that original votes be received and returned without the

mediation of State authorities, as a course less humiliating to State sovereignties, and for both, more dignified than a conflict between written and unwritten law.

I make no pretensions to legal precision; still I feel a degree of confidence that members having legal acuteness will recognise the distinctions to which I have alluded.

I have treated the subject as I honestly view it, and as involving policy, principles, and interests, of more than individual concern, chiefly in consequence of doctrines assumed by my opponent, possibly by the loose manner of putting down precedents he has urged, and the danger of their extension or progression in application beyond points not definitively in issue, under the original reported case.

I respectfully submit for consideration my views of the case, and the case itself.

O. C. MERRILL.

THURSDAY, JANUARY 6.

Mr. WENDOVER presented a petition of the Chamber of Commerce of the city of New York, praying that the credit now allowed by law for the duties on goods imported into the United States may not be changed to a cash payment, and that a moderate duty may be imposed on all sales at auction.—Referred to the Committee of Commerce.

Mr. SWEARINGEN presented a petition of the president and directors of the Central Bank of Georgetown and Washington, praying for a renewal of their charter, with certain modifications and amendments therein stated; which was referred to the Committee for the District of Columbia.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of William McIntosh, accompanied with a bill for his relief; which bill was read twice, and committed to a Committee of the Whole to-morrow.

The Committee on the Public Lands were discharged from the further consideration of the resolution submitted by Mr. WOODBRIDGE on the 17th ultimo, directing them to inquire into the expediency of providing for the final adjustment of the ancient titles to land within the Territory of Michigan; and the resolution was referred to the Committee on Private Land Claims, with directions to make the said inquiry.

Mr. COBB, from the committee on so much of the President's Message as relates to the public buildings, made a report, which was read; when Mr. C. reported a bill making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's House, and the erection of two new Executive offices; which was read twice, and committed to a Committee of the Whole to-morrow.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a statement of the expenditure and application of the moneys drawn from the Treasury on account of the Navy, during the year ending the 30th of

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September, 1819, and of the unexpended balances of former appropriations remaining in the Treasury on the 1st October, 1819; which was ordered to lie on the table.

The SPEAKER laid before the House a schedule of fees proper to be allowed and taxed for the officers of the district court of the United States for the district of Louisiana, prepared and transmitted by the judge of that district, in obedience to the resolution of this House of the 22d February last; which was referred to the Committee on the Judiciary.

Mr. TUCKER, of Virginia, after offering some explanatory remarks, and some facts to show the expediency of his object, submitted the following motion, which was adopted:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making further provisions, by law, for the custody of persons imprisoned under the authority of the courts of the United States.

On motion of Mr. BUTLER, of Louisiana, the Committee on the Judiciary was instructed to inquire whether any, and, if any, what further provisions are necessary to define and punish the crime of piracy.

On motion of Mr. RANDOLPH, the Secretary of the Treasury was directed to lay before this House statements of the receipts and expenditures of the United States from the commencement of the Federal Government until the 31st day of December last, distinguishing the revenue derived from customs, internal taxes, direct tax, postage, public lands, and miscellaneous sources; and also classing the expenditures under the following heads: *Military*, viz: pay and subsistence of the Army, fortifications, ammunition, arms, arming the militia, detachments of militia, services of militia, services of volunteers; *Indian department*, *naval department*, *foreign intercourse*, *civil list*, *miscellaneous civil expenses*, *revolutionary pensions*, *other pensions*; exhibiting an aggregate of the receipts and expenditures for each year, separately.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making a partial appropriation for the military service of the United States for the year 1820," with amendments. They have also passed bills of the following titles, to wit: "An act to provide for obtaining accurate statements of the foreign commerce of the United States," and "An act for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased;" in which amendments and bills they ask the concurrence of this House.

The said amendments of the Senate were read, and, together with the bill, referred to the Committee of Ways and Means.

The bills from the Senate above mentioned were severally read twice, and referred, the former to the Committee of Commerce, and the latter to the Committee on Pensions and Revolutionary Claims.

Mr. DARLINGTON submitted the following preamble and resolution:

Whereas there appears to be considerable dissatisfaction among the inhabitants of the District of Columbia, who reside without the limits of the city of Washington, on account of the inconveniences to which they are subjected by the present mode of government in said District; and whereas it is desirable that Congress should, as far as practicable, be relieved from the duty of legislating in cases where it is at once burdensome in itself and unacceptable to the people: Therefore,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of retroceding and restoring to the States of Maryland and Virginia, respectively, all such portions of the territory of said District not included within the limits of the city of Washington, as were derived from those States.

Mr. DARLINGTON said he submitted this resolution from a belief that an inquiry was necessary and proper. This House had refused to take measures towards organizing a Territorial government within the District. It had also rejected a proposition to admit a Delegate to represent the people of the District in Congress; and it was pretty evident that the inhabitants were not well satisfied with the manner in which they were legislated for by Congress. He could see no good reason for holding the people of this District in a species of vassalage contrary to their wishes; and as it was only a proposition to inquire, he hoped the resolution might be adopted.

The question was put whether the House would now consider the resolution, and negatived.

JACOB PURKILL.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the petition of Jacob Purkill, praying that a law may pass allowing him the sum of \$700 for his negro man Archy, who died, as the petitioner alleges, in consequence of a disease contracted by working in mud and mire at New Orleans, under the order of General Jackson, who had impressed him into the service of the United States, submitted the following report:

James Edwards states on oath that, in the month of November, 1814, being employed by John Willis as patrol or commander of the barge Kitty, then lying at Eddyville, he hired Jacob Purkill's negro man Archy for the purpose of making a voyage to Orleans and back; that they arrived at Orleans about the 17th of December, when the white men were taken to man the lines, and the negroes (among whom Archy was one) were impressed by order of General Jackson for fatigue duty; that, after said negro had been thus employed for twenty-six or twenty-seven days, on hearing he was sick, the witness went and found him in a very exposed situation, lying on three boards on a small tuft surrounded by mud and mire more than shoe deep; that the negro was taken to the barge, where he remained three days; that Mr. Willis then sent him to a boarding-house, where good care was taken of him until some time in March, when he was brought to the barge, then about to return home, but where he died on the first night, as the witness believes, with a swift consumption, occasioned by his exposure in the mud and water in which the said witness had seen him at work.

Two other witnesses, George Gracey and William Story state that they were well acquainted with the negro alluded to; that he was a valuable slave, weighing about one hundred and seventy pounds; that they saw him at work in the swamp nearly up to the hips, and likewise at the boarding-house whilst he was sick, as the witnesses believe, with a consumption, which, as they understood, was occasioned by his exposure in the swamp while in the service of the United States.

No official document accompanies the petition showing that the negro was really impressed into the service; no deposition or certificate from the owner of the vessel, (Mr. Willis,) under whose care and protection the negro was placed; and no certificate or statement from any surgeon of the Army or physician to show that the disease was really contracted by his exposure as before stated.

If the facts were established beyond the possibility of a doubt that the negro contracted the disease of which he died whilst in the service of the United States, it would be considered a consequential injury, for which the petitioner is not entitled to pay; but the evidence being defective, and by no means the best in the power of the petitioner to obtain, either in relation to the impressment or to the cause of his death, the committee, without hesitation, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

The report was read, and committed to a Committee of the Whole to-morrow.

FOURTH CENSUS.

The House resumed, in Committee of the Whole, (Mr. TAYLOR in the chair,) the consideration of the bill providing for taking the fourth census—Mr. SMITH's motion to provide for taking, with the census, an account of the various manufactures, being the question before the Committee—

Mr. SMITH, of Maryland, withdrew the amendment moved by him yesterday, and in lieu thereof offered a substitute somewhat modified; which, having been further modified, on motion of Mr. CAMPBELL, was agreed to.

Mr. PLUMER, of New Hampshire, then moved to amend the bill by inserting a provision directing the enumeration and return of the trade, occupation, or employment of all males above the age of sixteen years.

This amendment was modified on the motion of Mr. SMITH, of North Carolina, so as to be confined to the number of persons engaged in agriculture, commerce, and manufactures, respectively; and, thus amended, it was agreed to by a small majority.

Some other amendments of a minor character were made in the details of the bill.

Mr. CROWELL, of Alabama, moved to strike out the word "August," and insert "May," as the time at which the enumeration should commence, with the view that the returns should be received in time for the ratio to be fixed at the next session of Congress, and the members of the next Congress be elected under the new apportionment; and thus give to the new States the number of

representatives in the next Congress to which their population might entitle them, instead of allowing such a delay in commencing the enumeration as would defer to the 18th Congress the operation of the new apportionment.

The motion was opposed by Mr. CAMPBELL; and was lost without a division.

Mr. GROSS, of New York, moved to strike out "August," and insert "June," with the view of enabling the Legislature of New York (and perhaps others) to apportion her representation in time for the election of members of the 17th Congress, and avoid evils which had resulted in that State on a similar occasion, &c.

This motion was also lost, without a division.

A motion was made to amend the bill by inserting a column in the schedule, for the enumeration of "free married persons;" which motion was negatived.

Mr. RICH moved that free colored persons be enumerated, and returned separately, with their ages classed in the same manner as slaves.

Mr. SMITH, of Maryland, wished to know the policy of thus informing, by official enumeration and publication, that class of population of their strength and numbers. What good was to grow out of it?

Mr. CLAY observed that the amendment had been offered partly on his suggestion, and he could see no possible mischief in the provision. As to its policy, it would effect more completely one of the objects of taking a census, which was to show the comparative increase in all classes of our population, and enable the Government to carry into effect more perfectly the purposes of the periodical enumeration. There was no part of the United States in such a condition, as related to this class of people, as to render any mischief possible from such a provision.

Mr. CAMPBELL attempted to render the amendment more minute by distinguishing those under ten years of age; but this was opposed by Mr. CLAY and Mr. LOWNDES as useless, inasmuch as the returns would be very uncertain; and the latter gentleman extended his remarks to the provision respecting the enumeration of manufactures, to say that, though he would not object to any motion intended to obtain useful information, yet that provision, every one would agree who had examined the returns ten years ago, would produce no result on which any reliance could be placed, &c.

Mr. CAMPBELL's motion was negatived, and Mr. RICH's then agreed to—yeas 74.

On motion of Mr. BUTLER, of Louisiana, the bill was amended by adding the following section:

SEC. 11. *And be it further enacted*, That, in the census, when the superficial content of any county or parish shall exceed forty miles square, and the number of inhabitants in said parish or county shall not exceed two thousand five hundred, the assistants shall be allowed, with the approbation of the judges of their respective districts or territories, such further compensation as shall be deemed reasonable, provided the same does not exceed three dollars for every fifty persons by them returned.

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New York Deaf and Dumb Asylum.

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The Committee then rose, reported their proceedings, and the bill and amendments were ordered to be printed.

The bill for the relief of J. B. C. Lucas passed through a Committee of the Whole; and the bill for the relief of Clement B. Penrose also passed through a Committee of the Whole.

These claims produced a good deal of animated debate in Committee, and were both ultimately ordered to be engrossed for a third reading; and, at a late hour, the House adjourned.

FRIDAY, January 7.

Mr. MEIGS presented a petition of sundry merchants and traders in the city of New York, praying that the acts allowing a credit for the duties on importations may be repealed; that the said duties may be made payable in cash at the time of importation; and that heavy duties may be imposed on all sales at auction; which petition was referred to the Committee of Commerce.

Mr. KENT presented a petition of the President and Directors of the Bank of the Metropolis, praying for an extension of the charter of the said bank.—Referred to the Committee for the District of Columbia.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, transmitting a copy of a special report of the land officers at New Orleans, dated 20th February, 1817, on the claim of Charles Morgan; which was ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting his annual report in relation to patents issued in the year 1819, which was also ordered to lie on the table.

On motion of Mr. STORRS, the Secretary of the Treasury was directed to lay before this House a statement of the amount paid in each year to the Marshal of the District of Columbia, for the expenses of holding courts within the same, since the assumption of jurisdiction by Congress over the said District, together with the amount paid during the same period to the circuit judges thereof.

On motion of Mr. COCKE, the Secretary of War was directed to report to this House the sums of money which have been actually paid since the Peace Establishment, to the General officers and their staff, who are attached to the Army of the United States, specifying particularly on what account, to whom, and when paid.

On motion of Mr. EDWARDS, of Connecticut, the Committee on the Judiciary were instructed to inquire into the expediency of amending or repealing the act passed on the 18th of April, 1814, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned."

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting the information required by the resolution of the 31st ultimo, in relation to the introduction of slaves into the United States, and of the measures adopted to prevent the same, which was also ordered to lie on the table.

The House took up the bill for the relief of C. B. Penrose, and, on the question of ordering the bill to be engrossed for a third reading, it was negatived without a division. So the bill was rejected.

The engrossed bill for the relief of John B. C. Lucas was read the third time, and, on the question whether it should pass, it was negatived without a division, and, of course, rejected also.

The bill from the Senate for the relief of Matthew Barrow, passed through a Committee of the Whole.

The bill for the relief of Ether Shepley, administrator of Thomas Buckminster, also passed through a Committee of the Whole.

These bills were severally ordered to be engrossed for a third reading.

Mr. BUTLER, of New Hampshire, moved the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to each State a tract of land, not exceeding one hundred thousand acres, for the endowment of an university in each State.

The House having agreed to consider the resolution,

Mr. BUTLER remarked that this proposition was not new; that it was before the House at the last session when a report was made on it but not acted on. It was an inquiry of much importance, in many points of view, and he hoped his resolution would be adopted.

The resolution was agreed to.

JOHN PAYNE.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, to whom was referred the petition of John Payne, Jun., reported

That the petitioner represents that in the year 1814 he entered the Military Academy at West Point, as a cadet, under a warrant duly granted to him for that purpose; that he continued in the performance of his duty at that place until the month of June, 1815, when, by the accidental discharge of a piece of ordnance, whilst he was in the act of charging it, his right hand and a part of his arm were torn off, and his eyesight greatly impaired. For these injuries the petitioner prays that a pension may be granted to him of such amount as may be deemed reasonable and just.

The committee further report that the case of the petitioner, in their opinion, does not come within any of the laws of the United States in relation to pensions; and that it would be inconsistent with justice and good policy to extend relief to students in the Military Academy for injuries received whilst pursuing their studies, or discharging other duties assigned to them. The committee, therefore, submit the following resolution:

Resolved, That the prayer of the petitioner be rejected.

The report was read, and ordered to lie on the table.

NEW YORK DEAF AND DUMB ASYLUM.

The House then resolved itself into a Committee of the Whole, (Mr. TAYLOR in the chair,) on the bill granting a township of public land to the Deaf and Dumb Asylum in the city of New York.

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New York Deaf and Dumb Asylum.

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Mr. MEIGS, of New York, said, it was doubtless proper that he, as the chairman of the committee who reported this bill, should give some account of the reasons for that report. The State of New York, in the year 1818, incorporated the institution, at the request of several benevolent gentlemen, and among them the learned and amiable Dr. Mitchell. The institution immediately commenced its labors, and had continued to exert itself, with slender means, in the very interesting cause of the deaf and dumb. It now had under its protection more than fifty children, the greater part of whom had made surprising progress in the acquisition of information. But what is still more remarkable, said Mr. M., by the happy exertion of benevolent skill, many of these unfortunates have been taught to speak, and, very latterly, as I am informed by Dr. Mitchell, they have been made to hear. So great has been the success of the kind and intelligent directors of the deaf and dumb, that I am perhaps justified in saying that it promises to become an institution for curing the deaf and dumb. The present application to the Government would not be made on the plea of charity. It is, perhaps, not a province of this Government to give alms. But it is made on the ground that this nation regards knowledge as the basis of its strength. I will call the attention of the Committee, said Mr. M., to the case of the Asylum at Hartford, which received last year from the national munificence a grant precisely similar to the one contained in the present bill. I feel satisfied that nothing is required more from me than this brief statement which I have made, to induce the Committee to make this appropriation of a small portion of our immense landed estate for so good and humane purposes.

Mr. CLAY (Speaker) said he regretted, exceedingly, that he felt himself obliged to object to a bill which was recommended to the consideration of the House by the worthy gentleman from New York, (Mr. MEIGS,) and especially as it was a bill with such a benevolent object. Waiving the question, whether, after the liberal endowment by Congress of the Connecticut Asylum, the wants of society required (which he doubted) another institution for the deaf and dumb; he must think that, if we made any grant, it would be better to make it directly in money rather than land. It was desirable that Congress should retain the monopoly of the sale of the public lands, because they could better regulate the manner in which they should be brought into the market, and could count with more certainty upon the produce of the revenue from that source. It was particularly desirable to avoid the competition of large landholders, whether corporations or individuals. This bill proposes a grant of a township, with certain privileges of selection and location. It might be fairly estimated, considering those privileges, as worth about one hundred thousand dollars. The object, no doubt, of the New York institution, was, to bring it into market; and it would consequently tend to supply the demand for public land to the amount of the grant. It would abstract so much from the public revenue; and ought therefore to be considered, as in effect it was, a grant of so much money. And

he hoped, if the honorable gentleman pressed the passage of the bill, that he would move an amendment, to substitute money for land. Mr. C. really thought that it was high time that we should begin to husband the public resources. With an empty exchequer, we ought to review the causes which have led to it, and examine if there had been no extravagant profusion on the part of Government. He thought the House was imperiously called upon to pause. He repeated the expression of sincere regret which he felt in interposing any objection to the bill; but he must move to strike out the first section of it.

Mr. RANDOLPH observed that he was opposed to this bill for another reason, which had great weight on his mind, and ought to have on that of every member from Virginia and Kentucky—it was, that the provisions of the bill were opposed to the letter and spirit of that contract to which the States of Virginia and Kentucky were parties, inasmuch as it permitted this location to be made on any of the public lands of the United States. The State of Virginia, Mr. R. feared, stood on this floor, as elsewhere, not in the most enviable light; she was often held up—it was a proud and enviable distinction—as a target for the shafts of political calumny. It was for others to enjoy the bounty of this House; it was for her to receive law, sheer law, when she could make out a color of title. For one, Mr. R. said, he most earnestly hoped she would never appear at this bar, or on this floor, in the attitude of supplication; though it would require the art of a political professor in classification and nomenclature, to adduce any reproach instituted against her; and, notwithstanding the manifest violations of the contract by which she ceded the territory out of which three of the largest States of the Confederacy have been formed, she has still been most loyal. She had never done even what she might have done; she had never issued warrants or furnished squatters or settlers for this territory. She gave it for the general purposes of the Confederacy—not to be cut up into seigniories held in mortmain, but for the public benefit of the Union. This bill, Mr. R. continued, was at direct variance with the contract of cession of the territory which comprises the States of Indiana, and Illinois, and the territory northwest of them. With regard to the grant to the school at Hartford, the usefulness of it could not enter into the view which he had taken of this subject, nor justify the present donation. If we go on by precedents, we shall lose sight of the Constitution, instead of looking to it—looking to it as a constitution of delegated powers—a jealous, guarded delegation of authority. Even this morning, Mr. R. said, the House had declared, by its vote, [alluding to the ordering to a third reading the bill for the relief of Matthew Barrow, a subaltern officer, who is indemnified the amount of a judgment recovered against him by a citizen of Tennessee, whose property he had impressed into the service,] that it will preserve harmless all who violate the laws; but, when that subject again came up, he would try to show that it was an absurd departure from the legal authority of the House.

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New York Deaf and Dumb Asylum.

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Mr. FOOT, of Connecticut, knew of no power but delegated power, and would not participate in the exercise of any other. He also entered his protest against legislating by precedents; whenever we shall be governed by them, he said, we shall be in the fair road to despotism. But, even on the principle of precedent, the present bill could not be decided by the example of the donation to the Hartford Asylum. That was the first institution of the kind established in the country; they had sent to Europe for professors to introduce the system of teaching the deaf and dumb, and to instruct others, who might carry the benefits of the art into other parts of the Union; it was on this account that the grant was made. In the Hartford Asylum, too, not a third part of the pupils belonged to the State of Connecticut; its benefits embraced the afflicted of many other States; and it had peculiar claims to the aid of the Government.

Mr. LIVERMORE, of New Hampshire, made a few remarks against the bill. He expressed great respect for the object of the bill, but he did not feel himself at liberty to bestow on it the property of the nation.

Mr. WARFIELD, of Maryland, was also opposed to the bill, not being willing to appropriate the public land to such objects. If it was proper to divert the public funds to such a purpose, let it be done by a vote of money out of the Treasury, and not in this way. He respected the institution for which this donation was asked; he rejoiced that the asylum of Connecticut had succeeded even beyond the expectations of its friends; but it was no reason for going on and bestowing the property of the nation on all who asked it.

Mr. HOLMES, of Massachusetts, said that, when humanity called, it was a credit to the House to listen; but his object now was to inquire what was his duty. At the last Congress, either from gratitude for being sent here, and from joy at having got well out of a war, or from some other impulse, we made a grant to the surviving soldiers of the Revolution; like sailors from a long voyage, just paid off, who give money to every one they meet, with this difference—they give their own money, we the money of the people. He, like others, had been led away, and gave his vote to the relief of the Revolutionary soldiers. He had, however, voted against the grant to the Hartford Asylum, because he saw it would lead to other applications for similar grants. This was one of them. It would be better, he thought, to attend to replenishing the Treasury than to vote away the public funds on every object that asks them. If we go on in this way, said Mr. H.—if we are not deaf to calls like this, our constituents will be struck dumb at such conduct.

And deaf, I hope, to all our apologies for it, said Mr. RANDOLPH, who rose for the purpose of extending a remark of Mr. HOLMES; and would take the liberty to insinuate to Mr. MEIGS, that it was very easy to be wise and generous at other people's expense. In reference to the afflicted beings for whose benefit this bill was urged, Mr. R. said he should be sorry if any gentleman had the misfortune to possess the same experience as himself. If

there was any thing which he understood, it was this. But he asked if this case came within the Constitution. The Committee had been told of armies, and the expense lavished on the pomp and circumstance of war. On looking at the Constitution, he found power given to raise and support armies, but discovered nothing about supporting the deaf and dumb. Mr. R. asked the friends of this bill to show him the authority for it from the States—point it out in the deed of gift from the people. Was it necessary—not according to the old-fashioned meaning of that word, but according to the modern acceptation—was it necessary to carry into effect any other power? They had just as much right to make the office of President hereditary; to pass a septennial act for the meeting of Congress; or do any other unauthorized act, as to make this grant, if not found in the Constitution. As to being ashamed to refuse this grant, after passing others which Mr. MEIGS had referred to, let the galled jade wince. Mr. R. said his withers were unwrung; he had nothing to do with it. But, because the House had been betrayed into one act which the Constitution did not justify, were they, for that cause, to go on in the same course? Was it any reason why they should not attempt reform, or look at the Constitution for authority on any other occasion? Mr. R. repeated that this was a Government of delegated powers and of limited authority; and it was the bounden duty of every member to inquire if there was any authority for this grant, either expressly or as necessary to carry other powers into execution, &c. If there was not, it would be just as proper for a jury to give a verdict contrary to the evidence, as to vote for this bill without authority from the Constitution.

Mr. BARBOUR, of Virginia, expressed his satisfaction that the motion had been made by the Speaker. He felt certainly no hostility towards an institution which must, in its nature, excite the sensibility of every man. But was that to induce the House to vote this grant? The public domain, Mr. B. argued, was a public fund, intended to relieve the burden of taxation on the people. He adverted to the probability that the Government would have to borrow money this year; pass this bill, and it would present the spectacle of a Government borrowing with one hand and giving away with the other. By granting the public lands to the institutions of one State, Mr. B. maintained that it operated an injustice on the other States, inasmuch as it diminished their proportions in the public lands, which belonged equally to all. It was time to make a pause, a solemn pause, in voting away these gratuities. He referred to the immense expenditure which had become necessary by yielding to feeling, and passing the act for the relief of the Revolutionary soldiers; that act was the offspring of feeling, and it had involved the nation in an expense of three millions of dollars a year—a sum more than half the interest of the whole national debt for one year. That act, however, heavily as it pressed on the Treasury, was the more justifiable on account of the important services and the sufferings of the objects of it

H. OF R.

New York Deaf and Dumb Asylum.

JANUARY, 1820.

Should the present grant be made to the New York asylum, it must be given to charitable institutions in other States. If all the States received equally, it would diminish the proportion of all alike in the public lands, and it would be no peculiar benefit to either; the House must therefore act unequally or act uselessly. Mr. B. said feeling and sympathy were bad guides in public conduct; when any thing was asked in the name of justice, there were rules by which to decide correctly and uniformly; but, when they legislated on the score of charity, they would act according to impulse; one Congress would be guided by feeling, and another perhaps by precedent, &c. This was a dangerous mode of proceeding. But this grant was advocated in the name of knowledge, which is the basis of liberty. If for the promotion of knowledge, Mr. B. said, why did New York apply to this House; why not rely on her own resources? Virginia, with less resources than New York, had established a system of public education, for which she might with as much propriety, ask of this House a similar donation of public land. Mr. B. said he felt, as a man, for the unhappy class of beings who were the objects of the bill; he would drop tears for their affliction, but he could not give his support to this bill; it would be inconsistent with his ideas of public duty; he could not give to one what he could not to all; it would not be right to do so.

Mr. MEIGS again rose. He had flattered himself, he said, it would be utterly unnecessary for him to trouble the Committee again upon this occasion. But, when he found that this bill had had the misfortune to call forth the hostility of such able and eloquent gentlemen as the Speaker of this House and the gentlemen from Virginia, it became his duty, feeble as he was, to speak for those whose mouths God had shut. Would to Heaven, said he, that this necessity did not exist! Would to Heaven, that each of the silent innocents whose cause I am thus called on to advocate was able to speak in the fine and commanding tones of the honorable Speaker. Sir, I have no intention to appeal to the humanity of this Committee; I mean to move them, if I can, by far different considerations. Knowledge is power; and I call upon this Government to afford, for purposes of instruction in all that constitutes knowledge to a most interesting portion of the community, some small pittance of those vast resources which heretofore have been consecrated, if I may so express myself, to the naval, military, and domestic expense; to the destroying arts of war, and the maintenance of civil splendor. And I now hope that the Speaker, whose talents have done his country much service in one war, in its conduct, and still more eminently in the happy peace, in concluding which he had the far greater glory to be instrumental; and that the honorable gentleman from Virginia, (Mr. BARBOUR,) who, with the Speaker, may have recorded a hundred votes for warlike purposes, will now, for once at least, record their votes for an appropriation in aid of the propagation of knowledge. He said that, when he cast his eyes upon the architectural splendor by

which he was surrounded; when he saw that even a thing to hold candles had cost this nation treasure enough to give, perhaps, one whole year's tuition to the unfortunate persons who were the objects of this bill; when he remarked the beautiful but expensive marble figure of History just erected in this Hall, he could not refrain from hoping that she would not, among her first acts, have to record that this nation rejected the silent prayer of the deaf and dumb for a few acres of our boundless territories to enable them to know, while she votes the lavishment of millions for devastating war and domestic pomp. Let it be now determined, said he, that it is the opinion of this honorable body that knowledge is power, and that for such an end as its universal diffusion, there is no expense which could be deemed profusion. I wish, with profound sincerity, that, instead of one or two statesmen, eloquent and able, like the SPEAKER and the honorable gentleman from Virginia, (Mr. RANDOLPH,) there were one hundred thousand; and, instead of a handful of philosophers, holding all science within a small and mysterious bound, a hundred thousand of these, too, in our free land.

Mr. M. said he had declared that he would not make any appeal to the humane feelings of the Committee; but he had a right to say that, although France had reaped many a triumph by battle upon the land, and England many upon the sea, yet it might be possible their benevolent institutions would outlast, in the memory and affections of mankind, every military or naval glory which they had gained; for who was ignorant of, who was there that did not admire the mild benevolence of the Paris institution for the teaching and protecting the deaf and dumb? Society everywhere adopted them as its children; they were everywhere pitied, and ought, if they did not, to find every power their friend and guardian. Sir, if I wished to make an attempt upon the feelings of this House, instead of lifting my voice, I would bring here in front of the Speaker's seat the sixty children, and I should be then sure that, without voices, their intelligent features, their sparkling eyes, and their amiable demeanor, would command, irresistibly, the hardest heart in this House to lean to their cause. The honorable member from Virginia (Mr. RANDOLPH) has discovered that, in truth, we have no power, under the Constitution of these United States, to make a grant for the purposes contained in this bill. I regret that, under that clause of the Constitution upon which he has just commented: "that Congress shall have power to make all laws necessary for the purpose of carrying into execution," &c., we really have no authority to establish and maintain systems of instruction. I have seen that the learned Judges of the Supreme Court of this land have maintained the Constitutional existence of a bank; and that Hortensius, by most able and conclusive reasoning, although in a different line of direction, has arrived at the same happy conclusion; and I must express my regret and astonishment together, that this famous clause of the Constitution has the magical strength to bear so vast a bank, and is yet too feeble to raise a common school.

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New York Deaf and Dumb Asylum.

H. OF R.

I have wished that it might be considered necessary and proper to spread instruction, and diffuse far and wide knowledge, without which our Constitution itself, and still less our statutes, could not long be maintained. I feel, said Mr. M., that, under the powerful opposition of such gentlemen as the Speaker of this House, whose talents alone are sufficient, if exerted, to destroy mightier matters than this poor little bill; of the gentleman from Virginia, (Mr. RANDOLPH,) whose genius and experience are always ready to be poured out by his eloquence; and of the other gentleman from Virginia, (Mr. BARBOUR,) whose abilities also are competent to greater things—this bill will fail of its passage. If this must be its fate, I at least shall have the satisfaction to record my vote, among the first which I give in this House, for a grant of a few acres of our immense public estate for the noble purpose of instruction. And I shall at least not be alarmed at the idea of exhausting our resources upon the deaf and dumb; for, thank God, the number is small, perhaps not exceeding one thousand in the whole United States. I was pleased to hear the gentleman from Virginia last up, (Mr. BARBOUR,) declare the wise munificence of his native State in endowments for literary purposes; for he has enabled me to enjoy the proud satisfaction of stating to this committee the fact, that the State of New York has likewise been nobly munificent to learning; that she has appropriated to that end more than two millions of dollars; that eleven hundred thousand dollars of this sum constitute the fund for the support of common schools; and that, last year, more than two hundred thousand children received the benefit of this admirable fund. Glorious rivalry, said Mr. M., in which even these who are last and least must rejoice in the success of the other members of the Confederacy.

Mr. CLAY rose again to remark, that the whole of the deaf and dumb in the United States, at least all those incompetent to support themselves at an asylum by their own estates, might be educated at the Connecticut asylum, now in successful operation. He therefore did not think an additional asylum for the deaf and dumb necessary; but even supposing that another institution were necessary for the American community, was it proper that it should be fixed at New York, which was not more than one hundred miles from the asylum at Hartford; and least of all would it be proper to locate it in a place so expensive as New York? If another institution was to be encouraged, let it go, Mr. C. said, into the interior, among a class to which the gentleman from Pennsylvania (Mr. FORTNEY, a member of the Society of Friends,) belongs, whose frugal, regular, and industrious habits, and simplicity of character, suited them to the management of such things; but not, he repeated, establish it in a large city remarkable for its expensive and luxurious habits, &c. These reasons, Mr. C. thought, might fairly be adduced in addition to the others which had been justly urged against the bill; and he must still hope, notwithstanding the eloquent manner in which the bill had been supported by the gentleman from

New York, (Mr. MEIGS,) that his own motion would prevail, and the first section be stricken out.

Mr. GROSS, of New York, said he clearly perceived that the Committee was prepared to reject the bill; but he could not resist the inclination which he felt to make some remarks on the extraordinary objections which gentlemen had raised against its passage. The bill, he said, had called forth not only the wit, but also the acrimony of gentlemen, to a degree quite unexpected, and in his opinion altogether unjustified by any circumstances which had attended its progress. Gentlemen might with some show of propriety call the prayer of the petitioners selfish, but he could not perceive in what point of view it appeared ridiculous. They asked a portion of the public lands for the purpose of aiding them in the education of the deaf and dumb. Was this a proper subject of merriment? The honorable gentleman from Connecticut (Mr. FOOT) thought we had no Constitutional right to be generous. This, Mr. G. said, might be true or false, without throwing much light on the subject before the Committee. The only important inquiry is, has Congress the power to dispose of the public lands? The gentleman saw no evil in the donation to Connecticut; but he seemed to apprehend the destruction of our liberties by the proposed grant. Wherein, Mr. G. asked, consists the wonderful difference between the two cases in point of principle or result? Why, sir, in the Connecticut asylum were to be found some pupils from without the State. But, unfortunately for the honorable gentleman, the difference was only imaginary, and did not exist in point of fact.

The honorable Speaker, said Mr. G., thinks that the city of New York is an expensive place, and consequently not well calculated for the education of persons of any description. He paints the splendor of the drawing-rooms of the merchants of that great city with the hand of a master and with the accuracy of one well acquainted with his subject. But, sir, said Mr. G., although extravagance is visible among the rich and gay, economy may also be found among its inhabitants. We are not to inquire into the customs of the fashionables, but into the prices of rents and provisions, in order to decide on the propriety of the location. For the cheapness and variety to be found in its markets, New York has no rival. It is also said that it is partiality to grant lands to one State and not to another. For my part, said Mr. G., I am willing that a similar grant should be made, for a similar purpose, to every State in the Union. He doubted, he said, whether we could apply the public lands to a better purpose, and he believed he was not alone in so thinking.

The honorable gentleman from Massachusetts, (Mr. HOLMES,) Mr. G. said, could not restrain his propensity to be witty on this occasion. He had fancied the people of the United States struck dumb at the enormity of the unheard of provisions of this bill. It would be well for the honorable gentleman, said Mr. G., if his constituents were both deaf and dumb; for, if they spake at all, they

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must exclaim against the parsimony of their Representative.

On the whole, Mr. G. said, he considered the object of the proposed donation as one worthy the patronage of the United States; that the cheapness of provisions in the city of New York, and the facility of intercourse which it enjoyed with all parts of the Union, rendered it the most eligible of any place for an institution of the kind, and that, by the grant of the land proposed, it would experience much benefit, without affecting, in the least, the Treasury of the United States. For these reasons he would vote for the bill and against the amendment.

Mr. RHEA also offered some remarks, not heard, in opposition to the bill.

The Committee of the Whole agreed to strike out the first section; which decision the House affirmed by a large majority, and of course the bill was rejected.

MONDAY, January 10.

On motion of Mr. WILLIAMS, of North Carolina, the Committee of Claims were discharged from the further consideration of the Message of the President of the United States of the 24th of December last, in relation to the Danish brigantine Henrick and her cargo; and the same, with the accompanying documents, were referred to the Committee on Foreign Affairs.

Mr. SOUTHWARD, from the Committee on Indian Affairs, to whom was referred the petition of sundry inhabitants of the town of St. Louis, in the Territory of Missouri, respecting trade with the Indian tribes, made a report thereon; which was read, and ordered to lie on the table.

Mr. KENT, from the committee to whom was referred the petition of the managers appointed at a meeting of sundry persons held in the City of Washington, friendly to the system of Vaccination, reported a bill to incorporate the Managers of the National Vaccine Institution; which was read twice, and committed to a Committee of the Whole on Friday next.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a statement containing an abstract of all the returns made to his Department by the collectors of the customs in the years 1818 and 1819, of registered seamen in the different ports of the United States; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act establishing a circuit court within and for the District of Maine," in which they ask the concurrence of this House.

The bill was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. CANNON, the Committee on Military Affairs were instructed to inquire into the expediency of reducing, or entirely stopping, the military fortifications.

On motion of Mr. HENDRICKS, the Secretary of the Treasury was instructed to lay before this House an annual statement of the number of acres

of land sold at the several land offices, from their institution to the 30th September, 1819; of the moneys accruing and the moneys received from such sales; of the sums due the Government and unpaid; and of the sales of forfeitures for non-payment;—keeping separate that part of the statement which relates to the States of Ohio, Indiana, and Illinois, formerly the Northwestern Territory.

On motion of Mr. FULLER, the Committee on Naval Affairs were instructed to consider the expediency of so modifying the act establishing a Board of Commissioners of the Navy, as to make the Secretary of the Navy, for the time being, the presiding officer of that board; and, also, of so limiting the tenor of the commissions of the members thereof, as to secure the accumulating experience and talents of our naval commanders in that department, by a periodical rotation in office.

On motion of Mr. COCKE, the Secretary of War was directed to report to this House the terms on which the contract has been made for furnishing transportation to the troops ordered on the expedition to the Mandan villages, on the Missouri river; and also if any, and what other terms, may have been proposed for furnishing the same, and by whom made.

The engrossed bill for the relief of Ether Shipley was read a third time, and passed.

REVOLUTIONARY PENSIONS.

Mr. CANNON, of Tennessee, offered for consideration the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of amending the law on the subject, so as to place soldiers and officers on an equality, by allowing to each an equal portion of the bounty of the Government.

The House having agreed by a bare majority to consider the resolution—

Mr. CANNON, perceiving from this vote that there was much objection to the proposition, made a few remarks in support of it. During active service, he admitted that the compensation ought to be in some degree proportioned to rank: but, where the bounty of the Government was dispensed to relieve the necessities of those who had served it, he thought the principle of equality should be established; and he that served as an officer and he that served as a private should be considered as having been restored, on quitting the public service, to the grade of citizens, from which they had sprung. These general principles Mr. C. enforced by a number of remarks, all tending to the same point.

Mr. STROTHER inquired of the mover whether his object was to raise the pension of the privates to that of the officers, or to reduce the pension of the officers to the same amount as that of the privates?

Mr. CANNON said that would be a question for the committee to determine, should the resolution pass, and which their report upon the subject would hereafter bring before the House for its decision.

The question was then taken on the adoption of the resolution, and decided in the negative—74 to 70.

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Judicial Proceedings, &c.—Military Executions.

H. OF R.

JUDICIAL PROCEEDINGS, &c.

Mr. BREVARD submitted the following preamble and resolution, viz:

Whereas the Constitution of the United States declares that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other; and that the Congress may by general laws prescribe the manner in which such acts, records, and judicial proceedings, shall be proved, and the effect thereof:"

And whereas it has been enacted by Congress, in conformity with the provision of the Constitution, (after prescribing the mode in which the records and judicial proceedings of the courts of any State shall be proved and admitted in any other court within the United States,) that "the said acts, records, and judicial proceedings, (authenticated in the mode prescribed,) shall have such faith and credit given to them in every court within the United States as they have, by law or usage in the courts of the State from whence the said records are or shall be taken:"

And whereas there have been, in the different courts of the several States, various and contradictory adjudications in consequence of the different constructions which have been given to the enacting words above quoted, as to the nature and degree of credit to be given to the authenticated records and judicial proceedings adduced in evidence, *and the effect thereof:*

In order, therefore, that henceforth there may be greater certainty in the law, and greater uniformity and consistency in the decisions of the courts thereupon—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the act of Congress aforesaid, as to attain the end proposed.

A motion was made by Mr. LIVERMORE to strike out the preamble, and decided in the negative.

The House being divided on the adoption of the resolve, the votes for and against it were equally divided; and the SPEAKER voted against it, solely on the ground of form and practice, neither of which were in favor of prefixing preambles to resolutions of inquiry.

So the resolution did not pass.

MILITARY EXECUTIONS.

A Message was received from the PRESIDENT of the UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 14th December, 1819, requesting me to cause to be laid before it any information I may possess respecting certain executions which have been inflicted in the Army of the United States, since the year 1815, contrary to the laws and regulations provided for the government of the same,—I transmit a report from the Secretary of War, containing a detailed account in relation to the object of the said resolution.

JAMES MONROE.

WASHINGTON, January 8, 1820.

WAR DEPARTMENT, Jan. 6, 1820.

SIR: I have caused the records of this Department to be examined for all the information it possesses "respecting certain executions or other punishments, which may have been inflicted in the Army, since the year 1815, contrary to the laws and regulations provided for the government of the same," conformably

to a resolution of the House of Representatives, of December 14th, 1819; and I now have the honor to state, that, as soon as it was reported to this Department that "Colonel King, of the 4th infantry, while commanding at Pensacola, had given orders to shoot down deserters if found within the limits of Florida," I directed the enclosed order (marked A) to be sent to him. His answer to this order was received during my absence last Summer. The Colonel reported that such order had been given by him, and that it was given in conformity with the established usage of service, when other means of checking desertion, which had become so frequent as to threaten the total reduction of the force under his command, had failed. He also stated that no deserter was shot during his command; but that the order was kept up by his successor, and that a man was shot by the party sent in pursuit of him. The Colonel's report was made the basis of a military investigation.

The enclosed orders (marked B and C) were issued by this Department on the 10th of August, and by the last reports, the General Court Martial were still in session, on the 4th of December, at Cantonment Montpelier, in Alabama.

It was also reported to this Department, in August last, that a commissioned officer, at West Point, had improperly punished several soldiers by flogging. Major Thayer, the commanding officer at that post, was immediately ordered to inquire into and report the facts. His inquiry established the fact of whipping, without trial; on which the enclosed order (marked D) was issued, and no further complaints have been made. All the other cases which are known to this Department, are found among the records transmitted after they have been acted on by commanding generals, "to the end that the person entitled thereto may be enabled, upon application, to obtain copies thereof," and are embraced in the report of the Adjutant and Inspector General, herewith enclosed (marked E.) I have, &c.

J. C. CALHOUN.

To the PRESIDENT of the U. S.

A.

ADJ. AND INSP. GEN'S OFFICE,

March 29, 1819.

SIR: It has been reported to the War Department, from a source entitled to credit, that since you have had command in Florida, and at Pensacola, "orders have been given to the military to shoot down deserters, if found within the limits of Florida; that such orders emanated from Colonel King, military commandant, and have accordingly been executed."

The Secretary of War directs, that you forthwith make a particular and detailed report, stating the orders, by whom given, by whom executed, on whom executed, and the time when executed; with such other facts as you may deem important on this subject.

I have the honor to be, &c.

D. PARKER,

Adjutant and Inspector General.

Colonel WILLIAM KING, 4th infantry, Tensaw Post Office, Alabama.

B.

ADJ. AND INSP. GEN'S OFFICE.

August 10, 1819.

SIR: The Commanding General of the South Division has, this day, been ordered to detail and organ-

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Proceedings.

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ize a General Court Martial, for the trial of Colonel William King, of the 4th infantry. You will, therefore, relieve Colonel King in his command, put him in arrest, and direct him to remain at such places as you shall deem most convenient, to meet the orders of the General of Division. You will report his arrest and station to General Jackson, as soon as practicable.

By order. D. PARKER,
Adjutant and Inspector General.
Maj. Gen. GAINES, U. S. Army, Augusta, Geo.

C.

Extract of a General Order, dated
ADJ. AND INSP. GEN'S OFFICE,
August 10, 1819.

General Order. "The Commanding General of the South Division will detail and organize a General Court Martial, as soon as practicably consistent with the interest of the service, for the trial of Colonel William King, of the 4th infantry. Such charges, documents, and communications, as the War Department possess, are herewith transmitted, to be put into the hands of the judge advocate of the South Division, or such officer as may be detailed for that duty, in case he cannot attend the court."

D.

ADJ. AND INSP. GEN'S OFFICE,
September 30, 1819.

SIR: The President directs me to state that he has examined your report of the 2d instant, and the several communications referred to, relative to the troops attached to your command.

The corporal punishment inflicted on the men at West Point, being contrary to law, is not justified by the reasons given for it. It is a cause of much regret to see an officer of merit and discernment give his sanction to a proceeding so highly improper. If evils attain an alarming height, they should be stated to the Department, that such remedies as the laws authorize, and the means of the Government are equal to, may be applied to them, but in no case should an officer take the remedy into his own hands, especially in a manner positively prohibited by law.

These acts are disapproved, and the President directs that you prevent their recurrence.

I have the honor to be, &c.

D. PARKER,

Adjutant and Inspector General.

To Major S. THAYER, Superintendent Military Academy, Commanding West Point, New York.

ADJ. AND INSP. GEN'S OFFICE,
January 3, 1820.

SIR: On your order, requiring me to state all "executions, or other punishments which may have been inflicted, in the Army, since the year 1815, contrary to the laws and regulations for the government of the same," if any such are known to have occurred, all the proceedings of courts martial, on file in this office, have been referred to; from which I have made the extracts herewith enclosed.

A General Court Martial, ordered by General Gaines, in February, 1816, sentenced a soldier to receive *fifty cobbs, or lashes, on his bare skin*. This sentence was confirmed, but, by the orders of the General in other

cases, of which extracts are enclosed, pointedly disapproving whipping, it appears that he makes a distinction between *cobbs* and *stripes* and *lashes*, which last are only mentioned in the act of May 16, 1812, repealing a part of the 87th article of the rules and articles of war.

It also appears, that, after the peace, two General Courts Martial, ordered by General Macomb, sentenced several soldiers to receive *fifty lashes each*, which sentences were approved by the General, and ordered to be carried into effect. As such sentences have not since occurred, it is presumed that an impression prevailed in that command, at that time, that the act fixing the Peace Establishment, by generally repealing the laws enacted during the late war, restored the provision which authorized punishment by stripes and lashes before the war.

These are the only cases I have been able to find on the records; and it will be observed that all, except that of Major McGlassin, were within the jurisdiction of the Commanding Generals, and never came up to the War Department, but as a place of deposit for the records of courts, "to the end that the persons entitled thereto may be enabled, upon application, to obtain copies thereof." In this case, the sentence of the court was approved by the President, and the Major was accordingly dismissed the service. I have the honor to be, &c.

D. PARKER,

Adjutant and Inspector General.

To the SECRETARY OF WAR.

The Message and report were read, and referred to the Committee on Military Affairs.

The remainder of the day's sitting was occupied in a debate on the bill from the Senate (on its third reading) for the relief of Matthew Barrow.

[The case of the petitioner is nearly this: Acting as quartermaster in Tennessee, during the British war, he impressed some property from an individual, who first refused to part with his property, and, when taken from him, refused to receive payment for it, and sued the quartermaster for damages, &c. The verdict against the officer was for some one thousand five hundred dollars; and he applies to Congress for indemnity.]

The debate resulted in the recommitment of the bill to the Committee of Claims.

TUESDAY, January 11.

Mr. ANDERSON, from the Committee on the Public Lands, to whom was referred a resolution instructing them to inquire into the expediency of granting to each State a tract of land not exceeding one hundred thousand acres, for the endowment of a university in each State, made a report "that it is inexpedient to grant any tract of land to a State for the purpose of endowing a university;" which was read, and ordered to lie on the table.

Mr. KENT, from the Committee on the District of Columbia, made a report on the petition of the Board of Trustees of the Washington Infirmary; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. KENT, from the same committee, also re-

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Vermont Contested Election.

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ported a bill for the benefit of the Columbian Institute for the promotion of arts and sciences in the City of Washington; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. SIMKINS submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the act of Congress concerning the faith and credit to be given to the records and judicial proceedings of the courts of any State, authenticated and produced in evidence in any other court within the United States, and the effect thereof.

The resolution was read; when Mr. STROTHER moved that it lie on the table; which was rejected. The question was then taken to agree to the same, and passed in the affirmative.

On motion of Mr. SLOCUMB, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for the recovery of interest on the balances admitted to be due to the United States by receivers or holders of public money, commencing at the time at which their accounts are made up, though not finally acted on, until paid: and, further, if the accounts are not rendered at the proper department within the time prescribed by law, that they inquire into the expediency of charging interest on the whole sum in the hands of said defaulters, from the time the same was received until the accounts are thus rendered.

On motion of Mr. PINDALL, the Committee on the Judiciary were instructed to inquire into the expediency of altering the time for holding the courts of the judicial district of Virginia west of the Alleghany mountain.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to an act, entitled 'An act to regulate and fix the compensation of the clerks in the different offices,' passed the 20th of April, 1818," with an amendment; in which they ask the concurrence of the House.

The amendment was read and concurred in by the House.

CONTESTED ELECTION.

The House then, on motion of Mr. TAYLOR, went into Committee of the Whole, (Mr. LIVERMORE in the chair,) on the report of the Committee of Elections on the memorial of Robert C. Mallary, contesting the election of Erasmus C. Merrill, of Vermont.

The report (which is adverse to Mr. Merrill, the sitting member,) having been read by the Clerk—

Mr. WHITMAN, of Massachusetts, rose, and opposed it at length, and argued in favor of the right of the sitting member; after which,

Mr. MALLARY, who had been assigned a seat in the House during the discussion, rose, and occupied the floor in a speech of upwards of one hour in length, in maintaining his right to the seat in question; and, having concluded, the Committee rose, reported progress, and obtained leave to sit again; and the documents in the case were ordered to be printed.

WEDNESDAY, January 12.

Mr. KENT presented a petition of sundry inhabitants of the State of Maryland and District of Columbia, praying that the act authorizing the company incorporated for making certain turnpike roads in the District of Columbia, to lay out and make a road from the line of the said District to the Eastern Branch, *may be repealed*, for reasons set forth in the said petition; which was referred to the Committee on the District of Columbia.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom the subject was submitted by resolutions of the 29th ultimo, reported a bill, in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. SMITH also reported a bill extending the time allowed for the redemption of land sold for direct taxes in certain cases; which was read twice and committed to the Committee of the Whole last appointed.

Mr. SMITH, from the same committee, to which was referred the amendments proposed by the Senate to the bill, entitled "An act making a partial appropriation for the military service of the United States for the year 1820," reported the agreement of the committee to the said amendments; and they were committed to a Committee of the Whole to-day.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased," reported the said bill without amendment; and it was committed to a Committee of the Whole to-morrow.

Mr. CANNON, from the Committee on the Militia to whom was referred the resolution instructing them to inquire into the expediency of clothing the militia, when called into the service of the United States, or allowing them the amount of money in lieu thereof, made a report, accompanied with a bill, to provide for clothing the militia, when called into the service of the United States, which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ROBERTSON, from the select committee to whom was referred the memorial of the Legislature of Kentucky, on behalf of Christopher Miller, made a report thereon, which was read; when Mr. R., by leave of the House, reported a bill for the benefit of the said Christopher Miller, which was read twice, and committed to a Committee of the Whole to-morrow.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of the rules and regulations adopted by the Commissioner and approved by the President, in relation to the execution of the act of the 9th of April, 1816, "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," transmitted in obedience to the

resolution of the 23d ultimo, which was read, and ordered to lie on the table.

Mr. TRACY submitted the following resolution :

Resolved, That the President of the United States be requested to transmit to this House a statement showing the contracts made in the Engineer and Ordnance departments, since the peace of 1815, and all contracts relating to said departments, made by any officer or agent of Government; the manner of procuring the proposals for such contracts, whether, in every case, by public advertising or otherwise; the names and residence of the contractors, and the names and residence of the sureties for such contractors as have failed in the performance of their contracts; the extent of their respective defalcations, and of the loss probable to be sustained by the Government therefrom; also, stating the number of arsenals which have been constructed or commenced, the places where constructed or commenced, the amount expended upon each; also, a description of the works appertaining to each, and the estimated expense of completing them.

Mr. BUTLER, of New Hampshire, communicated a memorial from Mr. MERRILL, in the case of his contested election, praying for further time to establish certain facts to sustain his right to a seat in the House, which was read and referred; and Mr. B. moved that the Committee of the Whole be discharged from the further consideration of the report of the Committee of Elections on the contested election of Mr. MERRILL, and that it be recommitted to that committee.

This motion, after some discussion, in which the motion was supported by the mover and opposed by Mr. TAYLOR, was negatived.

The House then resolved itself, on motion of Mr. SMITH, of Maryland, into a Committee of the Whole, (Mr. SMITH, of North Carolina, in the chair,) on the bill (returned from the Senate with amendments, providing a certain sum for the national armories, and another sum for the settlement of outstanding claims) making a partial appropriation for the military service of the current year.

Some conversation passed between Mr. STORRS and Mr. SMITH of Maryland, arising from an inquiry of the former concerning the disbursement of last year's appropriations for armories, &c., and the propriety of making now a partial appropriation for those objects.

The Committee then rose, and reported their concurrence in the amendments, which report was agreed to by the House.

NEW YORK CONTESTED ELECTION.

Mr. TAYLOR, from the Committee of Elections, made a report on the petition of James Guyon, jr., contesting the election of Ebenezer Sage, one of the Representatives from the State of New York; which was read and committed to the Committee of the whole House to which is committed the report of the same committee on the petition of Rollin C. Mallary, contesting the election of Orsamus C. Merrill. The report is as follows :

That the first Congressional district of the said State is composed of the counties of Richmond, King's, Queen's, Suffolk, and the first and second wards of the city of New York, and is entitled to elect two rep-

resentatives. That, at the late election for members of this House, Ebenezer Sage, James Guyon, junior, Silas Wood, and John Garretson, were the only candidates: 2,171 votes were returned for Silas Wood, 2,085 for Ebenezer Sage, 1,992 for John Garretson, 1,701 for James Guyon, junior, and 396 for James Guyon. From the affidavits of Abraham Crocheron, Richard Crocheron, and John Hillyer, inspectors of the said election of the town of Northfield, in the county of Richmond; of John Doughty, John C. Freeks, Jeduthan Johnson, Noah Waterbury, and Abraham Remsen, inspectors of the said election of the town of Brooklyn, in the county of King's; of Edward A. Clowes, Thomas Tredwell, William Everett, and John D. Hicks, inspectors of the said election of the town of Hempstead, in the county of Queen's; and of Jacobus Montfoort, Micha Townsend, Jarvis Frost, and Daniel Youngs, inspectors of the said election of the town of Oyster Bay, in the same county, it appears that, in the said towns, 391 votes were, through the mistake of the said inspectors, returned for James Guyon, which in truth and fact were given for James Guyon, junior, and ought to have been so returned: these votes, added to the poll of James Guyon, junior, give him a majority of seven votes over Ebenezer Sage, the returned member. Mr. Sage has admitted the receipt of copies of the affidavits aforesaid, and has not controverted the truth of the matters therein contained. He has hitherto omitted to appear and claim his seat, and no evidence has been adduced of his intention to make such claim. The committee therefore submit the following resolutions :

"Resolved, That Ebenezer Sage is not entitled to a seat in this House.

"Resolved, That James Guyon, junior, is entitled to a seat in this House."

Testimony submitted with the report.

The subscribers certify that they were inspectors of the election held in the town of Brooklyn, in King's county, on the 28th, 29th, and 30th days of April, in the year 1818, for the purpose of electing representatives to Congress for the first Congressional district of the State of New York.

At the said election, Ebenezer Sage, Silas Wood, John Garretson, and James Guyon, junior, were candidates; and that we, the said inspectors, did canvass and estimate the votes given at said election, and made out certificates of such canvassing, and filed the same in the clerk's office of the county and town aforesaid; from which certificates it appears that 183 ballots were estimated as the number of votes given for James Guyon, which the subscribers verily believe was an error made by them in making out their certificates, and that the said number of 183 votes were given by the electors of said town for James Guyon, junior, and ought to have been estimated and certified by us as the number of votes given for that gentleman. Brooklyn, November 24, 1819.

JOHN DOUGHTY,
JN. FREEK,
JERM. JOHNSON,
NOAH WATERBURY,
ABRM. A. REMSEN.
WILLIAM SHENK,

One of the clerks at the election.

The persons who have subscribed the foregoing certificate have severally sworn that they believe the

JANUARY, 1820.

Vermont Contested Election.

H. or R.

matter therein stated to be true. Sworn before me, this 24th day of November, 1819.

ISAAC NICHOLS,

Justice of the Peace.

This may certify that, on or about the 20th of the month of December, I received from James Guyon, junior, a copy of the within certificates, perfectly according with the same. Sag Harbor, January 3, 1820.

EBENEZER SAGE.

I, Abraham Crocheron, clerk of the town of Northfield, in the county of Richmond, and in the State of New York, doth certify and say, that I was one of the inspectors of the votes taken at the anniversary election held in the said town of Northfield, and in the county aforesaid, on the 28th day of April, 1818, at the house of John Johnson, innkeeper, and held, by adjournment, the two subsequent days, for two members of Congress to represent the first Congressional district of said State of New York in the House of Representatives of the United States; and, being so an inspector, did make a return in the clerk's office of the said county, as well as with Richard Crocheron, John Hillyer, and Sylvanus Decker, inspectors with me: that Ebenezer Sage had seventy-five votes, and James Guyon had seventy-five; when, in fact and in truth, the ballots were given, canvassed, and read James Guyon, junior, and were returned to the said clerk, through a mistake or error, without the junior, when, in fact, and in truth, and in justice, they should have been given and written James Guyon, junior. Given under my hand, the 16th day of November, A. D. 1819.

ABRM. CROCHERON.

STATE OF NEW YORK, *Richmond county, ss.*

Personally appeared before me, Abraham Crocheron, who doth depose and say, that the above statement, as subscribed by him, is just and true. And further this deponent saith not. Sworn before me, this 16th day of November, 1819.

DAVID MASEREAU, *Judge.*

This may certify that, on or near the 20th of the month of December last, I received from James Guyon, junior, a copy of the within certificates, correctly according with the same. Sag Harbor, January 3, 1820.

EBENEZER SAGE.

I, Edward A. Clowes, clerk of the town of Hempstead, and I, Thomas Tredwell, one of the inspectors of the town, do hereby certify that, at an election held in the aforesaid town for Congressman, on the 28th, 29th, and 30th days of April, 1818, the return was made by us to the clerk's office of the county of Queen's for James Guyon as Congressman, whereas we verily believe that the returned number of votes ought and should have been made in the name of James Guyon, junior, which junior was omitted in our return to the clerk of the said county, according to the best of our knowledge and belief. Dated at Hempstead, November 20, 1819, State of New York.

EDWARD A. CLOWES, *Town Clerk.*

THOMAS TREDWELL.

Sworn before me this day.

EDWARD PARKER,

Deputy Clerk of Queen's County.

I, Robert D. Clements, one of the clerks to the inspectors of the town of Hempstead, do solemnly swear

that the statement of the within certificate is true, to the best of my knowledge. Hempstead, November, 20, 1819.

ROBERT D. CLEMENTS.

Sworn before me this day.

EDWARD PARKER,

Deputy Clerk of Queen's County.

I, Jacobus Montfoort, clerk of the town of Oyster Bay, in the county of Queen's, and State of New York, do hereby certify that the certificate of the return of the election for two members of Congress to represent the first Congressional district of said State, held in the aforesaid town on the 28th, 29th, and 30th days of April, 1818, was written by me, and transmitted to the clerk of the said county of Queen's. And I do hereby further certify that the return of James Guyon, of eighty-three votes, was a mistake made by me, and that the true and proper return for the aforesaid town of Oyster Bay is James Guyon, junior, for Congressman, eighty-three votes, and the tickets were canvassed and read James Guyon, junior. Oyster Bay, November 19, 1819.

Note.—One vote of the above number of eighty-three votes was written, read, and canvassed, James Guyon.

J. MONTFOORT, *Town Clerk.*

Oyster Bay, November 19, 1819. Sworn before me,

EDWARD PARKER,

Deputy Clerk of Queen's County.

This may certify that, on or near the 20th day of the month of December, I received from James Guyon, junior, a copy of the within certificates, perfectly according with the same. Sag Harbor, January 3, 1820.

EBENEZER SAGE.

We, Edward Parker, of the town of Jamaica, county of Queen's, and State of New York, and Thomas Hazard, jun. of Staten Island, State aforesaid, do solemnly swear that we were present on the day and date when Ebenezer Sage signed the annexed certificates, and did see him subscribe his name thereunto; and he acknowledged that he did receive a copy of the annexed certificates enclosed to him in a letter from James Guyon, junior, declaring his intentions to claim his seat in the House of Representatives of the United States.

EDWARD PARKER,

T. HAZARD.

Queen's county, ss. Jamaica, January 6, 1820. Sworn before me this day.

JAMES DENTON, *J. P. &c.*

VERMONT CONTESTED ELECTION.

The House next proceeded, according to the order of the day, again to resolve itself into a Committee of the Whole (Mr. LIVERMORE in the chair,) on the report of the Committee of Elections on the contested election of Mr. MERRILL, of Vermont.

Mr. RANDOLPH spoke a short time, to vindicate the decision of this House, in 1804, in the case of the contested election between Mr. Spalding and Mr. Mead, (which had been cited in the present case,) and, without going into the merits of the present case, to show that there was no analogy between it and the case decided in 1804.

He was replied to by Mr. TAYLOR, who argued to show that such an analogy did exist in a strong degree, and in support of the report of the Committee of Elections.

H. OF R.

Illicit Introduction of Slaves.

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The report of the committee was supported also by Mr. HOLMES, Mr. GROSS, and Mr. HEMPHILL, and was opposed by Mr. STORRS, Mr. BROWN, and Mr. WHITMAN, the last named gentleman moving that the report be so amended as to reverse it.

The discussion continued to a late hour on this and other motions. Finally, Mr. W.'s motion was lost, and the Committee rose and reported their concurrence in the resolutions of the Committee of Elections. The question was then taken on the resolution declaring that Mr. MERRILL is not entitled to a seat in this House, and decided in the affirmative by a large majority.

Before taking the question on the other resolution of the report, which declares Mr. Mallary entitled to the seat, a motion was made to adjourn, and the House adjourned.

THURSDAY, January 13.

Mr. SERGEANT presented a petition of Thomas Dobson and Son, stating that they published, with great labor and expense, Dr. Seybert's Statistical Annals, and praying Congress to authorize the purchase of eight hundred additional copies, which now remain on hand of that work, for which they state they are willing to take a reduced price; which was referred to a select committee; and Messrs. SERGEANT, WOOD, and BARBOUR, were appointed the said committee.

Mr. ANDERSON reported a bill for the establishment of additional land offices in the State of Illinois; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. WHITMAN, a committee was appointed to inquire into the expediency of reviving and continuing in force, for a limited time, so much of an act, the provisions of which partially expired on the first day of November last, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France, and five franc pieces," as relates to the gold coins of those countries. Messrs. WHITMAN, LOWNDES, ALLEN, of Massachusetts, DICKINSON, and BEECHER, were appointed the said committee.

Mr. BRUSH, of Ohio, moved the adoption of the following resolution:

Resolved, That a select committee be instructed to consider the expediency of fixing the ratio of representation of the House of Representatives of the United States, to take effect and be computed according to the rule prescribed by the Constitution, upon the census next to be taken; with leave to report by bill or otherwise.

Mr. WHITMAN objected to the resolution, on the ground that it would be better to wait until the census was taken, before any steps were adopted to fix the ratio, when the House would have all the information, and the whole subject before them. Any proceedings on this subject, at present, would take place without the proper information, and would be premature, and would, moreover, be entirely useless, should the next Congress differ in opinion from the present, &c.

The question was put, without further discus-

sion, on agreeing to the resolution, and lost—yeas 40, nays 56.

Mr. COCKE, of Tennessee, submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury be directed to report to this House whether any, and, if any, what revenue is derived to the Government of the United States from the fur trade.

Some discussion took place on this motion, in which Messrs. LIVERMORE, and SMITH of Maryland, objected to it, as useless and unnecessary, inasmuch as furs being an article of export only, no revenue could be derived from them, &c. It was supported by the mover, as calling for information on a subject to which the attention of the House had been directed, &c.

The question being put, on adopting the resolution, it was negative—yeas 40.

A message from the Senate informed the House that the Senate have passed the "resolution for the further distribution of the journal of the convention which formed the Constitution of the United States," with amendments; and they have passed a bill, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States;" in which amendments and last mentioned bill they ask the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the amount of moneys paid in each year for the expenses of holding courts within the District of Columbia, together with the amount paid to the circuit judges thereof, from the year 1801 to the year 1819, both inclusive, rendered in obedience to the resolution of the 7th instant; which was ordered to lie on the table.

ILLICIT INTRODUCTION OF SLAVES.

The SPEAKER laid before the House another letter from the Secretary of the Treasury, transmitting information in relation to the illicit introduction of slaves into the United States, with a statement of measures which have been taken to prevent the same, rendered in obedience to the resolution of the 31st ultimo; which was ordered to lie on the table. The letter is as follows:

TREASURY DEPARTMENT, Jan. 11, 1820.

SIR: In obedience to a resolution of the House of Representatives of the 31st ultimo, directing the Secretary of the Treasury to lay before the House "copies of such communications as he may have received, since 1816, and such information as he may possess in relation to the illicit introduction of slaves into the United States, with a statement of the measures adopted to prevent the same," I have the honor to submit the enclosed letters, from different collectors of the customs, to this Department.

It appears, from an examination of the records of this office, that no particular instructions have ever been given, by the Secretary of the Treasury, under the original or supplementary acts prohibiting the introduction of slaves into the United States.

The general practice of the Department has been to confine its attention, and to limit its instructions, to cases arising under the revenue laws, except where, by direction of the President of the United States,

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the superintendence of other laws has been specially required of it. No such duty has, in relation to the laws prohibiting the introduction of slaves into the United States, been required of the Secretary of the Treasury.

His letter to the War and Navy Departments, of the 16th July, 1817, a copy of which is also enclosed, was written during the absence of the President, under circumstances which did not admit of the delay necessary to obtain his direction and instruction. An additional reason for writing that letter may be found in the fact that the other heads of department were absent, and the officers exercising their functions, provisionally, were unwilling to incur the responsibility of the measures required by the occasion.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. HENRY CLAY, *Speaker House of Rep's.*

TREASURY DEPARTMENT, July 16, 1817.

SIR: From information recently received by this Department, there is just reason to believe that Sir Gregor McGregor has taken military possession of Amelia Island, in the name of the Spanish patriots. Considering that the restless and adventurous of all nations, and especially of the Island of St. Domingo, have ranged themselves under the banners of the different leaders, by sea and land, who are engaged in the civil war now raging between Spain and her colonies, and that the port of Fernandina will necessarily become the common rendezvous of all the vessels sailing under the various flags of the Spanish provinces which have declared themselves independent, apprehensions are justly entertained by the citizens of the southern section of the State of Georgia, that their peace and tranquillity will be disturbed, and their rights infringed, unless protected by the presence of a force sufficient to command respect from the troops thus expected to be congregated in their immediate neighborhood.

In addition to the circumstances already communicated, the disposition which has been manifested by the vessels of Spain engaged in the African slave trade, to introduce, illicitly, into that section of the Union, the persons who, in the prosecution of their traffic, have been subjected to their control, seems to require the presence of a force sufficient to enforce the due execution of the laws against the introduction of slaves into the United States. From the known character and conduct of the leader of the enterprise against Amelia Island, there is just ground to apprehend that this illicit traffic, if continued, will, under his auspices, assume a bolder character; and, if abandoned, that it will be substituted by measures equally derogatory to the laws, and more destructive of the rights and interests of the citizens of the eastern section of the Southern States. To guard against the unlawful introduction of slaves, and to repress any attempt that may be made by the foreign belligerent force, collected in that neighborhood, to excite domestic insurrection among the blacks, it appears to me to be absolutely necessary that a land and naval force be stationed at St. Mary's.

As the portion of East Florida immediately bordering on the United States is but sparsely, if at all, inhabited, the entrance of vessels into the river St. Mary's, freighted with slaves, can have no other object than the violation of our laws, by covertly introducing a population which is prohibited. Under such circumstances, and especially when imbecility or indisposi-

tion of the local authorities to preserve the accustomed relations between independent States are considered, and above all, the odious character of the traffic intended to be restrained, the seizure of every vessel freighted with slaves which shall be found in the river St. Mary's, or hovering upon our coast, is respectfully submitted. I have the honor to be, &c.

WM. H. CRAWFORD.

The SECRETARIES of War and Navy.

Extract of a letter from the Deputy Collector of Nova Iberia to the Secretary of the Treasury, dated July 9, 1818.

"By Mr. Dick's advice, last Summer, I got out State warrants, and had negroes seized to the number of eighteen, which were a part of those stolen out of the custody of the coroner, and the balance condemned by the district judge of the State; and the informers received their part of the net proceeds from the State treasurer. Five negroes, that were seized about the same time, were tried at Opelousas, in May last, by the same judge; he decided that some Spaniards (that were supposed to have set up a sham claim, stating that the negroes had been stolen from them on the high seas) should have the negroes, and that the persons that seized them should pay one-half the costs, and the State of Louisiana the other. This decision had such an effect as to render it almost impossible for me to obtain any assistance in that part of the country. There has been lately up the Bayou Nementou two schooners from Galveston; they sold a part of their cargoes, and deposited the balance, and I could get no assistance to take them. I made two seizures of wine, a part of one of the cargoes, in the neighborhood of the Vermillion bridge, about twenty miles to the westward of this place. I summoned assistance, a part of which refused to assist, a part deserted while guarding the property, and the balance not being sufficiently strong to protect it, it was taken from them the ensuing night. The smugglers had forcibly prevented our removing the property in the day time."

COLLECTOR'S OFFICE, DIS. BRUNSWICK, GA.,
Port of Darien, July 5, 1818.

SIR: On the 14th of March, I did myself the honor to address you on the subject of Africans illicitly introduced into the United States. Not being favored with a reply, it may be proper for me to state, that a demand being subsequently made, by the Executive of this State, for all such Africans in my possession, in compliance therewith I delivered over to his agent ninety-one negroes.

I have the honor to be, &c.

W. I. McINTOSH, *Collector.*

Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

Extract of a letter from the Collector of New Orleans to the Secretary of the Treasury, dated April 17, 1818.

"It has been stated to me, on the authority of a letter to a respectable gentleman of this city, that there were three schooners lying in the river Merineutau, belonging to Commodore Aury's squadron, smuggling their cargoes on shore. The audacity of the piratical set, since they find Galveston has not been, and as they say, will not be, suppressed, knows no bounds.

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In order to keep them somewhat more in check, and to defeat their nefarious schemes as far as in my power, until Government aid us with such force as it may deem best suited to the purpose, I have determined to station an additional revenue boat and crews, with an active and enterprising officer, at and near Fort St. Philip, and to increase the crew of the boats at the Balize and Fort St. John. It will, I think, render their operations a little more difficult, and I confidently rely on your approbation. The additional expense can be no consideration. But no efforts of the officers of the customs alone can be effectual in preventing the introduction of Africans from the westward; to put a stop to that traffic, a naval force suitable to those waters is indispensable; and vessels captured with slaves ought not to be brought to this port, but sent to some other in the United States for adjudication. Enclosed you will also find an act passed by the Legislature of this State, respecting slaves imported in violation of the laws of Congress of 2d March, 1807. The object and policy of this law require no comment from me. Vast numbers of slaves will be introduced to an alarming extent, unless prompt and effectual measures are adopted by the General Government.

"The master of an American schooner from Havana reports that he was offered a full freight of Africans for this river, which he refused."

COLLECTOR'S OFFICE, DIS. BRUNSWICK, GA.,
Port of Darien, March 14, 1818.

SIR: I had the honor to address you per last mail, and to enclose you papers respecting forty-seven African negroes taken, by the surveyor of Darien, from one Jared E. Groce, on their way to the Alabama Territory, through the Indian nation, and forty-one others at the Creek agency, from the negro houses of the agent for Indian affairs. It is a painful duty, sir, to express to you, that I am in possession of undoubted information, that African and West India negroes are almost daily illicitly introduced into Georgia for sale or settlement, or passing through it to the Territories of the United States for similar purposes; these facts are notorious; and it is not unusual to see such negroes in the streets of St. Mary's, and such, too, recently captured by our vessels of war, and ordered to Savannah, were illegally bartered by hundreds in that city; for this bartering or bonding, (as it is called, but in reality selling,) actually took place before any decision was passed by the court respecting them.

I cannot but again express to you, sir, that these irregularities and mocking of the laws, by men who understand them, and who, it was presumed, would have respected them, are such, that it requires the immediate interposition of Congress to effect a suppression of this traffic; for, as things are, should a faithful officer of Government apprehend such negroes, to avoid the penalties imposed by the laws, the proprietors disclaim them, and some agent of the Executive demands a delivery of the same to him, who may employ them as he pleases, or effect a sale by way of a bond for the restoration of the negroes when legally called on so to do; which bond, it is understood, is to be forfeited, as the amount of the bond is so much less than the value of the property. And again, sir, an officer disposed to perform his trust with fidelity, is placed at the mercy of the State; for, to carry the intention of the federal laws into execution, great expenses may be incurred, and for which the State seems not to have made any provision; but has, by its

own law of the last session of the Legislature, invested the Executive with the power of becoming a speculator on the exertions and integrity of such federal officers as feel the weight of their responsibility, and who are willing to perform their duty. For instance, sir: after much fatigue, peril, and expense, eighty-eight Africans are seized and brought by the surveyor to Darien; they are demanded immediately by the Governor's agent. And notwithstanding the knowledge which his Excellency had, that these very Africans were for some weeks within sixty miles of his Excellency's residence, (the seat of Government,) there was no effort, no stir made by him, his agents, or subordinate State officers, to carry the laws into execution; but no sooner than it was understood that a seizure had been effected by an officer of the United States, a demand is made for them; and it is not difficult to perceive, by a compliance, that the very aggressors may, by a forfeiture of the mock bond, be again placed in possession of the smuggled property, at but little additional expense to them, but at the entire ruin of the officers who had executed, with fidelity, the laws they felt bound to observe. There are many negroes, (independent of those mentioned as having been bartered in Savannah, &c., before any decision had passed respecting them,) recently introduced into this State and the Alabama Territory, and which can be apprehended. The undertaking would be great; but, to be sensible that we shall possess your approbation, and that we are carrying the views and wishes of the Government into execution, is all we wish, and it shall be done, independently of every personal consideration. I have, &c.

WM. I. MCINTOSH, *Collector.*

Hon. W. H. CRAWFORD,
Secretary of the Treasury.

COLLECTOR'S OFFICE,
Savannah, November, 1817.

SIR: I have the honor of informing you that the schooner Tentativa, reported to be under Spanish colors, with one hundred and twenty-eight slaves on board, was brought into this port on the 19th instant, by a part of the crew of the United States vessel the Saranac, John H. Elton commander, having been captured by said vessel, and at the time abandoned by her crew. The Tentativa has been libelled by the Proctor for the captors; and the slaves, by order of the court, delivered over to the Proctor for the captors and the collector of this port, to be taken care of by them, until demanded by the competent authority. This order was procured by the Proctor for the captors, with a view of preserving the lives of the slaves, they being destitute of provisions and clothing, and must have perished had they been longer at sea. Four of them have already died, but the remaining part of them have been so disposed of as to insure comfort to them for the present. Under the order of the court, and the influence of humanity, it appears to be my duty to interest myself for the sufferers; and, having an estate near the city, I inquired of my agent how many of these people he could accommodate with house-room, and upon his statement I have taken possession of forty in number, all of whom I have clothed, and shall continue otherwise to succor, until demanded by the competent authority.

I have, &c.

A. S. BULLOCK,
Collector.

Hon. W. H. CRAWFORD,

JANUARY, 1820.

Vermont Contested Election.

H. OF R..

Extract of a letter from the Deputy Collector of Nova Iberia to the Secretary of the Treasury, dated September 27, 1818.

"On the 8th of July last, Captain Amelung, with eighteen of his company, agreed to go with me to the Bayou Nementou, to suppress smuggling. On the day and succeeding night after our arrival there, we took thirteen prisoners that came armed to support smugglers, &c. The next day we took one of their vessels; set some hands to work in repairing her, and Captain Amelung returned to Nova Iberia for the balance of his company; returned with them, and we proceeded on with twenty-five men to the Bayou Curcuseau. On our arrival there we made more prisoners; seized three African negroes, two vessels, and part of their cargoes. Runners had been sent ahead of us, and five or six vessels run out of the Bayou a few days prior to our arrival there. A large number of African negroes had been on that Bayou, eighty of which left there a short time before our arrival, and about twenty passed us the night before we arrived. We proceeded down the Curcuseau, and came round to the Bayou Nementou. Captain Amelung furnished me with a lieutenant and eighteen men, and returned by land to Nova Iberia with the balance of his company. We proceeded with the vessels down the Nementou; met a felluche, commanded by one of Lafitte's captains off the mouth of the Bayou. The captain took us for smugglers; we got him on board of one of our vessels, and, notwithstanding his directing his men, in French, when he left his own vessel to cut their cable if he did not return with the boat, run down our boat, and kill every man on board, we boarded her after they cut their cable, and took her without the loss of one man. Her cargo consists of coffee, cocon, refined wax for candles, oil, dry goods, and about ten thousand pounds of quicksilver. I arrived here yesterday, having suffered much. During the line storm we lost three anchors, sprung one mast, carried away our yards and sails. I left the vessels in the Vermillion Bay; shall start immediately to bring them round to this place. If there was one small cutter on this coast, she would be of great service."

COLLECTOR'S OFFICE,
Savannah, May 22, 1817.

SIR: I have just received information from a source on which I can implicitly rely, that it has already become the practice to introduce into the State of Georgia, across the St. Mary's river, from Amelia Island, East Florida, Africans, who have been carried into the port of Fernandina, subsequent to the capture of it by the Patriot army, now in possession of it.

As this species of traffic may be carried on for an indefinite period of time, without the interposition of Government, I have deemed it my duty to give you the earliest advice of it.

Immediately after the receipt of your letter of the 19th March last, I instructed Captain Smith to cruise with the cutter to the southward as far as St. Mary's bar, with a view of preventing the landing of such people on the seaboard; but it is not in his power to guard the St. Mary's, which is the route for the introduction of them. It becomes more necessary for a guard to be organized by Government, as this State has never legislated on the subject of the importation of slaves. Were the Legislature to pass an act giving compensation in some manner to informers, it would have a tendency, in a great degree, to prevent the

practice. As the thing now is, no citizen will take the trouble of searching for and detecting the slaves. I further understand that the evil will not be confined altogether to Africans, but will be extended to the worst class of West India slaves. I am, &c.

A. S. BULLOCK, Collector.

Hon. W. H. CRAWFORD, Sec. of Treasury.

COLLECTOR'S OFFICE,
Port of Mobile, October 7, 1818.

SIR: It is understood that Judge Webb, one of the judges of the Territory, has resigned. Permit me, sir, to suggest the importance of an early appointment to the vacancy, in order that the person appointed might be present at the next session of the general court, on the first Monday of January next. There are now pending before that court a number of cases of very great importance to the public interest, particularly those of the three vacant vessels, their cargoes, and upwards of one hundred slaves.

I hope the Attorney of the United States has informed the Treasury Department of the proceedings of the court in these cases; not having seen him since, I have not attempted a statement of proceedings to me so very strange. This, however, appears certain, that the vessels and cargoes and the slaves have been delivered on bonds, the former to the owners, and the slaves to three other persons. The grand jury found true bills against the owners of the vessels, masters, and a supercargo, all of whom are discharged; why or wherefore I cannot say, except that it could not be for want of proof against them.

It is certainly a matter of great importance that these cases be stamped with the full force of the law, to prevent future importations. Two of the vessels were cleared at Havana, for New Orleans, and one for this port; and all American registered vessels, the former at New Orleans, the latter at this port.

Perhaps the magnitude and importance of these cases would render it expedient to employ additional counsel in aid of the United States Attorney, as he will be opposed by able lawyers from New Orleans. Should you deem this proper, be pleased, sir, to direct the sum which may be allowed. I have, &c.

ADDIN LEWIS, Collector.

Hon. WM. H. CRAWFORD, Sec. of Treasury.

THE CONTESTED SEAT.

The House then, according to the order of the day, resumed the consideration of the remainder of the report of the Committee of Elections, on the contested election of Mr. Merrill, of Vermont. The House having yesterday agreed to the first resolution, declaring Mr. Merrill not entitled to a seat, the question now under consideration was on agreeing to the second resolution of the report, which declares that "Rollin C. Mallary is entitled to a seat in this House."

An earnest debate followed on this resolution, which continued till near four o'clock. The resolution and the right of the petitioner to a seat was advocated by MESSRS. LIVERMORE, BALDWIN, STRONG, of New York, CULPEPER, TAYLOR, and GROSS, of New York. The resolution was opposed, and of course the right of the applicant to the seat, by MESSRS. BUTLER, of New Hampshire, PINDALL, CLAGETT, RANDOLPH, STORRS, HOLMES, and ANDERSON.

The question was finally decided in the affirmative, by yeas and nays; for the resolution 116, against it 47, as follows:

YEAS—Messrs. Abbot, Adams, Allen of Tennessee, Archer, Baldwin, Barbour, Bateman, Beecher, Boden, Brown, Brush, Bryan, Burwell, Butler of Louisiana, Campbell, Case, Clarke, Cook, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Darlington, Dennison, Dewitt, Dowse, Eddy, Edwards of Conn., Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Fay, Ford, Forrest, Fuller, Fullerton, Garnett, Gross of New York, Gross of Penn., Hackley, Hall of New York, Hall of Delaware, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hostetter, Jones of Tennessee, Kendall, Kent, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McCreary, McLean of Kentucky, Marchand, Mason, Metcalf, R. Moore, S. Moore, Monell, Morton, Murray, Nelson of Massachusetts, Overstreet, Parker of Massachusetts, Patterson, Peek, Phelps, Philson, Pinckney, Pitcher, Plumer, Reed, Rhea, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Shaw, Simkins, Sloan, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, Street, Strong of New York, Tarr, Taylor, Terrell, Tompkins, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Walker of North Carolina, Wallace, Warfield, Wendover, Williams of Virginia, Williams of North Carolina, and Wood—116.

NAYS—Messrs. Alexander, Allen of New York, Anderson, Ball, Bayly, Buffum, Burton, Butler of New Hampshire, Cannon, Clagett, Cobb, Cocke, Crawford, Davidson, Earle, Fisher, Floyd, Folger, Foot, Hall of North Carolina, Hill, Holmes, Hooks, Johnson, Jones of Virginia, McLane of Delaware, Mercer, Moseley, Neale, Nelson of Virginia, Newton, Pindall, Quarles, Randolph, Rankin, Settle, Silsbee, Slocumb, Smith of North Carolina, Southard, Stevens, Storm, Swearingen, Tomlinson, Tyler, Upham, and Whitman—47.

So it was decided that Rollin C. Mallary is entitled to a seat in this House; and Mr. M. came forward, was qualified, and took his seat accordingly.

FRIDAY, January 14.

Mr. RHEA reported a bill for the relief of Samuel B. Beal, which was read twice, and committed to the Committee of the Whole to which is committed the bill from the Senate, entitled "An act for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased."

Mr. WILLIAMS made an unfavorable report on the case of Henry Cain, which was read; when Mr. McLEAN, of Kentucky, moved to amend the resolution recommended in the said report, so as to make it read, "That the claim of Henry Cain, for fifty dollars, be granted;" when the report and amendment were committed to a Committee of the Whole to-morrow.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine," reported the same without amendment; and the bill was committed to a Committee of the Whole, to-morrow.

Mr. CAMPBELL, from the Committee on Private Land Claims, made a report on the petition of James Mackay, assignee of McDaniel, accompanied with a bill for the relief of the said James Mackay, of the Territory of Missouri; which bill was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of persons holding confirmed unlocated claims for land in the State of Illinois.

Mr. CAMPBELL, from the same committee, reported a bill supplementary to "An act providing for cases of lost military land warrants, and discharges for faithful services;" which was read twice, and committed to the same Committee.

Mr. ANDERSON, from the Committee on the Public Lands, to whom was referred the petition of sundry inhabitants of the State of Illinois, presented on the 10th instant, made a report thereon, accompanied with a bill for the relief of certain settlers in the Illinois Territory, residing in the Vincennes district; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SERGEANT, from the Committee on the Judiciary, made an unfavorable report on the petitions of sundry inhabitants of the counties of Kenawha and Mason, in the State of Virginia; which was read, and ordered to lie on the table.

Mr. SERGEANT, from the same committee, reported a bill to alter the terms of the court of the western district of Virginia; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The SPEAKER laid before the House a report of the Secretary of State on the petition of Jacob and Henry H. Schieffelin; which was read, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States," was read twice, and referred to the Committee of Claims.

The amendments proposed by the Senate to the "Resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States," were read and concurred in by the House.

THE FINANCES.

Mr. STROTHER submitted the following resolutions, to wit:

1. *Resolved*, That the Secretary of the Treasury be directed to report, *without delay*, to this House, the actual balance in the Treasury, and in the hands of the Treasurer, as agent of the Navy Department and War Department; and the amount, if any, in the Treasury, subject to the control of the Commissioners of the Sinking Fund, on the 1st of January, 1829.

2. *Resolved*, That the Secretary of the Treasury be directed to report, *without delay*, to this House, upon what principle he has estimated the receipts in the Treasury from the sales of the public lands for the year 1820.

3. *Resolved*, That the Secretary of the Treasury be directed, *without delay*, to report to this House, what amount of the public debt will be redeemable, accord-

JANUARY, 1820.

New York Contested Election—Civilization of Indians.

H. OF R.

ing to the terms of the contract, in the years 1820, 1821, 1822, 1823, and 1824; and what amount would be left of the Sinking Fund in each year, respectively, after the payment of the interest of the public debt, and the portion of the principal which may be redeemable within the year.

4. *Resolved*, That the Secretary of the Treasury be directed, *without delay*, to report to this House, the present price of the stocks, and *whether, in his opinion, if the price is above par, it will probably continue so until the period at which the stock issued in the late war shall become redeemable; and if, in his opinion, such should probably be the fact, whether it would not be advisable to apply the surplus of the Sinking Fund to the current expenses of the Government, rather than resort to loans or taxes.*

Mr. WILLIAMS, of North Carolina, suggested the propriety of omitting the words "*without delay*," as unusual and not necessary.

Mr. STROTHER insisted on retaining the words, which were intended to express the wish of the House to have an early report, and not as an intended departure from courtesy. Mr. S. proceeded then to explain his views in offering the resolutions, to show their propriety, and to enforce the necessity of the information required, to enable the House to act understandingly on the momentous subject of providing for the public exigencies.

Mr. BALDWIN objected to the fourth resolution, because the subject of it had already been submitted to the deliberation and decision of the House by the Secretary himself in his annual report, and it was improper to refer it back to the Secretary for his opinion, &c.

Mr. STROTHER replied at some length to sustain the propriety of the resolution referred to—stating that from the long period which the Secretary had filled his station, he must, necessarily be better qualified by his experience, as well as by his political acquirements and vigorous mind, to afford the information called for, and he hoped the House would consent to it.

Mr. LOWNDES had no objection to any of the resolutions, except the fourth, and as the Secretary would be able to furnish promptly the information requested by the others, he hoped and moved that, the words "*without delay*," be stricken out. Mr. L. was opposed to the fourth resolution, because the Secretary of the Treasury, to comply with it, must necessarily enter into all the minute calculation of probable events for years to come, of peace and war, or else he must be under the necessity of making a report extremely unsatisfactory. He therefore moved, to amend the fourth resolution by striking out all between the word "*whether*," in the 3d line, to the word "*whether*" in the 8th line; but, before any question was taken,

Mr. BATEMAN moved that the resolution be laid on the table and be printed; which motion prevailed, 50 to 49; and the resolutions were laid on the table accordingly.

CONTESTED ELECTION.

The House then went into a Committee of the Whole, on the report of the Committee of Elections on the petition of James Guyon, jun., contesting the right of Ebenezer Sage, one of the members

returned as elected from the State of New York, which report declares that Mr. Sage is *not* entitled to a seat, and that Mr. Guyon *is*.

[The question involved in this case was whether votes which were given for James Guyon, junior, but returned by the officer without the addition of "*junior*" should be allowed to J. Guyon, jun.; no other person of that name being a candidate. These votes had been withheld from Mr. Guyon which gave Mr. Sage a majority—by giving to J. Guyon, jun., all these votes it would make a majority in his favor. The Committee decided to correct the error of the returning officer, agreeably to the practice of the House of Representatives in similar cases heretofore. Mr. S. has not appeared to claim the seat.]

A good deal of discussion took place on this subject, relative to various circumstances attending the election, the conduct of the officer, &c., after which, the Committee rose and reported their agreement to the report.

The House concurred in the report, which decided the petitioner entitled to a seat in the House; when Mr. Guyon came forward, was qualified, and took his seat; and the House adjourned to Monday.

MONDAY, January 17.

The SPEAKER laid before the House a resolution of the General Assembly of the States of Illinois, requesting that commissioners may be appointed to survey and mark a road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois; and that certain lands may be set apart to raise a fund for making said road; which resolution was referred to the Committee on Roads and Canals.

Mr. COOK presented the petition of the General Assembly of the State of Illinois, praying that the claims to land of certain persons in that State, derived under the act of 3d March, 1792, for militia services, may be examined, and that provision may be made for their confirmation; which was referred to the Committee on the Public Lands.

Mr. SERGEANT, from the Committee on the Judiciary, to which was referred the petition of James Maxwell, reported a bill authorizing a subscription for a digest of the Laws of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

An engrossed bill entitled "An act to alter the terms of the court of the western district of Virginia" was read the third time, and passed.

CIVILIZATION OF THE INDIANS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the progress which has been made in the civilization of the Indian tribes, and the sums which have been expended on that object, prepared in obedience to the resolution of the 6th instant; which letter and report were ordered to lie on the table. The letter is as follows:

DEPARTMENT OF WAR, January 15.

SIR: In compliance with the resolution of the House of Representatives of the 6th instant, "that the Sec-

retary of War be directed to report whether any, and, if any, what progress has been made in the civilization of the Indian tribes, and the sums of money, if any, have been expended on that object, under the act of the last session," I have the honor to make the following statement :

No part of the appropriation of ten thousand dollars annually, made at the last session, for the civilization of the Indians, has yet been applied. The President was of opinion, that the object of the act would be more certainly effected, by applying the sum appropriated in aid of the efforts of societies, or individuals, who might feel disposed to bestow their time and resources to effect the object contemplated by it; and a circular (of which the enclosed is a copy,) was addressed to those individuals and societies who have directed their attention to the civilization of the Indians. The objects of the circular were to obtain information, and disclose the views of the President, in order to concentrate and unite the efforts of individuals and societies, in the mode contemplated by the act of the last session. The information collected will enable the President to apply, early in this year, the sum appropriated. The economy and intelligence with which it will be applied, under the superintendence of zealous and disinterested individuals, will, it is hoped, carry into effect, as far as practicable, the views of Congress.

While many of the Indian tribes have acquired only the vices with which a savage people usually become tainted, by their intercourse with those who are civilized, others appear to be making gradual advances in industry and civilization. Among the latter description may be placed the Cherokees, Choctaws, Chickasaws, and perhaps the Creeks, most of the remnants of the Six Nations, in the State of New York, the Wyandots, Senecas, and Shawanese, at Upper Sandusky, and Wapakonetta. The Cherokees exhibit a more favorable appearance than any other tribe of Indians. There are already established two flourishing schools among them. One at Brainard, under the superintendence of the American Board for Foreign Missions, at which there are at present about one hundred youths of both sexes. The institution is on the Lancasterian plan, and is in a very flourishing condition. Besides reading, writing, and arithmetic, the boys are taught agriculture, and the ordinary mechanic arts, and the girls, sewing, knitting, and weaving. At Spring Place, in the same nation, there is a school on a more limited scale, under the superintendence of the United Brethren, or Moravians. Two other schools are projected in the same nation, one by the American, and the other by the Baptist Board, for Foreign Missions; and arrangements are making to establish two other schools among that portion of the Cherokee nation which reside on the Arkansas. The Choctaws and Chickasaws have recently evinced a strong desire to have schools established among them, and measures have been taken by the American Board for Foreign Missions for that purpose. A part of the former nation have appropriated two thousand dollars annually, out of their annuity, for seventeen years, as a school fund. A part of the Six Nations, in New York, have, of late, made considerable improvements; and the Wyandots, Senecas, and Shawanese, at Upper Sandusky, and Wapakonetta, have, under the superintendence of the Society of Friends, made considerable advance in civilization.

Although partial advances may be made, under the present system, to civilize the Indians, I am of an

opinion, that, until there is a radical change in the system, any efforts, which may be made, must fall short of complete success. They must be brought gradually under our authority and laws, or they will insensibly waste away in vice and misery. It is impossible, with their customs, that they should exist as independent communities, in the midst of civilized society. They are not, in fact, an independent people, (I speak of those surrounded by our population,) nor ought they to be so considered. They should be taken under our guardianship; and our opinion, and not theirs, ought to prevail, in measures intended for their civilization and happiness. A system less vigorous may protract, but cannot arrest their fate.

I have the honor to be, &c.,

J. C. CALHOUN.

HON. H. CLAY,
Speaker House of Reps.

(CIRCULAR.)

DEPARTMENT OF WAR, Sept. 7, 1819.

SIR: In order to render the sum of ten thousand dollars annually appropriated at the last session of Congress for the civilization of the Indians, as extensively beneficial as possible, the President is of an opinion, that it ought to be applied in co-operation with the exertions of benevolent associations or individuals, who may choose to devote their time or means to effect the object contemplated by the act of Congress. But it will be indispensable, in order to apply any portion of the sum appropriated in the manner proposed, that the plan of education, in addition to reading, writing, and arithmetic, should, in the instruction of boys, extend to the practical knowledge of the mode of agriculture, and of such of the mechanic arts suited to the condition of the Indians; and in that of the girls, to spinning, weaving, and sewing. It is also indispensable that the establishment should be fixed within the limits of those Indian nations who border on our settlements. Such associations, or individuals, who are already actually engaged in educating the Indians, and who may desire the co-operation of the Government, will report to the Department of War, to be laid before the President, the location of the institutions under their superintendence; their funds; the number and kind of teachers; the number of youths of both sexes; the objects which are actually embraced in their plan of education; and the extent of the aid which they require; and such institutions as are formed, but have not gone into actual operation, will report the extent of their funds; the places at which they intend to make their establishments; the whole number of youths, of both sexes, which they intend to educate; the number and kind of teachers to be employed; the plan of education adopted; and the extent of the aid required.

This information will be necessary to enable the President to determine whether the appropriation of Congress ought to be applied in co-operation with the institutions which may request it, and to make a just distribution of the sum appropriated.

In proportion to the means of the Government, co-operation will be extended to such institutions as may be approved, as well in erecting necessary buildings, as in their current expenses.

I have the honor to be, &c.,

J. C. CALHOUN.

JANUARY, 1820.

The Finances.

H. OF R.

THE FINANCES.

The House then, on motion of Mr. STROTHER, proceeded to the consideration of the resolutions submitted by him on Friday—the question being on the amendments proposed thereto by Mr. LOWNDES.

The first amendment for striking out the words "without delay," was agreed to without a division.

Mr. STROTHER opposed the second amendment, proposing to strike out that part of the 4th resolution which requires the opinion of the Secretary of the Treasury whether, if the price of stock is above par, it will probably continue so until the period at which the stock issued in the late war becomes redeemable, &c. He contended that the Secretary, from his superior information and constant attention to the subject, which no member of this House was able to bestow on it, would be able to give such opinions as would enlighten the House on the subject, and form such data as would enable it to arrive at a more correct judgment in the important measures which it would be necessary to adopt in relation to the fiscal concerns of the nation; that, if the Secretary did not choose to hazard an opinion on the probable price of the stocks four years hence, he might safely do it as to the present and next year, &c. Mr. S. extended his arguments and the illustration of his opinions to considerable length, in support of the resolutions, in the shape and to the extent in which he had offered them.

Mr. SMITH, of Maryland, said it was customary to ask of the Secretaries a statement of facts, but very seldom their opinions, on public matters. On this subject, however, the Secretary of the Treasury had fully communicated his views, with the facts, in his annual report. Mr. S. went into an examination of the facts connected with the Sinking Fund, and the price of stocks, to show that there would be two millions and a half of the Sinking Fund inapplicable to paying the public debt in the year 1821, and the sum of five millions the subsequent years, &c., until, in 1824, there would be a surplus of twenty millions accruing to this fund. Mr. S. took this view, and an examination of the Secretary's report, to support the opinion that it would be greatly preferable to use this money, otherwise lying dead in the Treasury, instead of borrowing for the public exigencies; arguing that the public debt had been discharged more rapidly than was expedient, and that it would be wise and prudent to abstract the surplus of the next year at least from the Sinking Fund for the national use. He took, also, a view of various circumstances which affect the price of stocks, and make it extremely fluctuating, to show that there was no divining the price at any particular period a year hence, &c.

Mr. STROTHER rejoined, and further maintained his opinions, that the intelligent public agent, whose attention had been for years applied to a particular subject, would be able to give opinions which might enlighten the House in forming its decisions on that subject.

The question was then taken on the amendment proposed by Mr. LOWNDES, and agreed to.

Mr. FLOYD moved to amend the first resolution by striking out the words which require the Secretary to state the actual balance "in the hands of the Treasurer, as agent of the Navy Department and the War Department," inasmuch as these balances, having been drawn from the Treasury and placed in the hands of the Treasurer as agent for the other departments, were now beyond the control of the Secretary, &c.

Mr. STROTHER opposed the motion, and spoke to obviate the objections to it.

The motion was lost; and after some objections by Mr. COBB, to the second resolution, which were answered by Messrs. LOWNDES and FOOT, the three first resolutions were successively agreed to without a division.

The question being put on agreeing to the 4th resolution, requiring of the Secretary of the Treasury to report the price of the public stocks, with his opinion "whether it would not be advisable to apply the surplus of the Sinking Fund to the annual expenses of the Government, rather than resort to loans and taxes?"—

Mr. JOHNSON, of Virginia, protested against the passage of this resolution. It was proper to keep the different branches of Government as separate and distinct as the Constitution had made them. However great the harmony which existed between the various branches, and however great the talents of any individual called to fill a particular department, was it right, Mr. J. inquired, to ask of an officer of a department his opinion? He entertained the highest respect for the talents and the integrity of the Secretary of the Treasury; but, notwithstanding this, when he looked at this body, the representatives of ten millions of people, called on to decide questions of policy, he could not agree it was necessary to ask for the opinion of an Executive officer to direct their steps. The House was bound to perform certain duties, and it was proper to call for facts if they were requisite; and, if with these they could not act wisely, let them bear the responsibility. Mr. J. repeated that he wished every department of the Government to keep within the orbit prescribed by the Constitution. He was glad to find that the Secretary of the Treasury had, in making his annual report, observed a becoming conduct in speaking to Congress; though he had spoken freely and fully of facts and circumstances, he had abstained from giving an opinion where it was not necessary; this was the case in the part which related to the domestic manufactures, which Mr. J. read to show that the Secretary had avoided intimating an opinion.

In reference to taxes, Mr. J. adverted to the Message of the President recommending their repeal, and pledging himself that, whenever it should become necessary again to resort to a system of internal taxes, he would recommend it to Congress. Mr. J. was sorry the repeal of the taxes had been recommended by the President, because it was unnecessary; it was reposed in this House to judge when taxes were necessary, and when they might be repealed; and he wished the opinion of no Executive officer as to the policy of measures con-

fided to this House by the public will. Mr. J. concluded by some remarks on a part of Mr. SMITH's observations on the surplus of the Sinking Fund, which Mr. S. had argued supplied the deficiencies of the revenue, and left no excuse for opposing just measures because of the want of money. Mr. J. said he would never be deterred from voting for a just measure, or from paying a just debt, by the poverty of the Treasury. In a just cause, or in the support of a just policy, the people would pay taxes willingly. His constituents had borne a most oppressive tax on one side of their principal products during the last war, but they knew it was to support the nation in a resort to which it was driven by its deadly enemy, and they did not murmur.

Mr. STROTHER observed, in reply, that he was as much attached to the sovereignty of the House and its true dignity, as any one; but he did not think it derogatory to the self-respect of the House to ask for information, or such lights as could be afforded by one of the public agents. Mr. S. was indissolubly connected with that system of politics which looked to this House for the sovereign power. As to the question of laying taxes, that question was not before the House, and sufficient for the day was the evil thereof. Whenever the time came when it should be necessary, neither he nor his colleague would shrink from it. Mr. S. continued at some length to dwell on the importance of the information called for, and to maintain the propriety of calling on the Secretary, as one of the servants of the public, to impart such light to the subject as his long experience and his talents so well and so peculiarly qualified him to afford.

Mr. HILL remarked that the resolution as amended contemplated two objects of inquiry. The first, to direct the Secretary of the Treasury to report to this House, the present price of stocks. What place, Mr. H. asked, was the Secretary to make the standard of his inquiry? should it be Boston, New York, Philadelphia, Baltimore, or Charleston? For the price varies in different cities at the same time. All that the House had to do was, to cast their eyes over the papers printed in different parts of the United States, and they had the information wanted. The second object of the resolution was, to direct the Secretary to report whether it would not be advisable to apply the surplus of the Sinking Fund to the annual expenses of the Government, rather than resort to loans or taxes? Would the Representatives of ten millions of people ask a single officer of the Government, however respectable, whether they had better pass an appropriation law or not? Were not the immediate Representatives to be supposed the best judges of the temper, disposition, and ability, of the whole people when and how to pay taxes? He rather thought the House had better ask the Secretary, whether or not it had better adjourn.

Mr. COBB spoke at considerable length in reply to the remarks of Mr. SMITH, of Maryland, respecting the Sinking Fund, &c. As to the resolution, Mr. C. observed that the Secretary had already in his report given all the information in his power, and a very explicit opinion against ap-

plying the unemployed Sinking Fund to the expenses of the Government. He had stated his reasons for considering it inexpedient, and Mr. C. read the passage of the report to which he referred. Mr. C. deprecated any interruption or delay in the discharge of the public debt. He hoped it would not be retarded, and, so far from wishing to see the fund diverted from that object, he would rather, if possible, increase the fund, and accelerate the payment of the debt. But the discussion was premature, inasmuch as they had not yet the report of the Commissioners of the Sinking Fund, &c.

Mr. JOHNSON made some additional remarks in reply to Mr. STROTHER, and to enforce and sustain the opinions he had previously advanced; protesting against appealing to any branch or department of the Government, either Executive or Judicial, to expound the policy of the House or the principles of the Constitution; and against setting a precedent which (as precedents were often urged here) would lead to an erroneous and pernicious practice, &c.

Mr. SMITH, of Maryland, concurred in opinion fully with Mr. JOHNSON, and had years ago opposed the same course, when it would be attempted to get measures through by the weight of Executive opinion which might not otherwise have prevailed. He never wanted from the Executive offices anything but facts—with these, the House could judge for itself of the policy of any measure. By recommending the application of the Sinking Fund to the exigencies of the Government, Mr. S. said he did no moral wrong to any one—the stock was not yet redeemable, and as its high price prevented its purchase by the Commissioners of the Sinking Fund, it was better to use the money than suffer it to lie idle in the Bank of the United States, and borrow money for present purposes. It was time enough to borrow when the nation was destitute. But was it proper—would any man in his own affairs so act—to borrow while he has money unemployed? &c.

The question was then taken on agreeing to the resolution, and negatived, without a division: and the House adjourned.

TUESDAY, January 18.

A new member, to wit: from Virginia, WILLIAM S. ARCHER, elected to supply the vacancy occasioned by the resignation of James Pleasants, jr., appeared, produced his credentials, was qualified, and took his seat.

Mr. WOODBRIDGE presented a petition of sundry inhabitants of the Territory of Michigan, complaining of many violations on the part of the British authorities of the terms of capitulation upon the surrender of Detroit, in the late war with Great Britain, in the wanton destruction of their property, and the abuse of their persons, and praying compensation for their property so destroyed, and some indemnification for their personal sufferings and privations.—Referred to the Committee on the Judiciary.

Mr. SERGEANT presented a petition of sundry merchants and underwriters of the city of Phila-

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The Fourth Census.

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delphia, praying that three additional piers may be constructed at Marcus Hook, in the river Delaware, for the security and protection of ships and vessels trading to and from the said city; which petition was referred to the Committee of Commerce.

The SPEAKER laid before the House a schedule of fees proper to be allowed and taxed for the officers of the district court of the United States for the district of Vermont, prepared and transmitted by the judge of that district, in pursuance of the resolution of this House of the 22d of February, 1819; which was referred to the Committee on the Judiciary.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, made a report on the petition of Martha Flood, accompanied by a bill for the relief of the said Martha Flood; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was recommitted the bill from the Senate entitled "An act for the relief of Matthew Barrow," again reported the same without amendment; and it was ordered to lie on the table.

Mr. ANDERSON, from the Committee on the Public Lands, made an unfavorable report on the petition of the Legislature of the State of Illinois, praying that some provision may be made for those persons who resided on the frontiers of that State between the years 1790 and 1795; which was read, and ordered to lie on the table.

On motion of Mr. HENDRICKS, the Committee on the Public Lands were instructed to inquire into the expediency of establishing an additional land office in the State of Indiana.

FOURTH CENSUS.

The House then, on motion of Mr. CAMPBELL, took up the report of the Committee of the whole House on the bill providing for taking the fourth census or enumeration of the inhabitants of the United States.

The amendments made to the bill by the Committee of the Whole, as reported in the proceedings of the 6th instant, were successively concurred in. In the course of their consideration some discussion arose, as well on these as on additional amendments which were proposed.

That amendment being under consideration which provides for the enumeration of the manufacturing establishments, &c., a compensation of twenty per cent. on the amount of the other compensation allowed by the act—

Mr. SLOCUM questioned the propriety of the allowance. He thought the expense greater than was necessary, and the nation, said Mr. S., will not believe we are in earnest when we speak of retrenchment, while we go on to vote the public money in this way. He did not think the information sufficiently valuable to justify the expense.

Mr. SMITH, of Maryland, moved to amend the amendment allowing twenty per cent. so as to provide that it should not exceed that amount, and "to be apportioned in proportion to the services

rendered, under the direction of the Secretary of State."

This amendment being agreed to—

Mr. MCCOY moved to amend the amendment by striking out *twenty*, and inserting *ten* per cent.

Mr. SMITH, of Maryland, thought this amount entirely inadequate to the service required. The whole amount of compensation, for this service at the last census, was \$69,000, and if this motion prevailed, it would reduce the amount to be divided amongst the marshals, to \$20,000. This would be too little—in fact, not enough to pay the assistants which must necessarily be employed.

Mr. SMITH, of North Carolina, concurred in the opinion that this would not be an adequate compensation, and hoped the amendment would not prevail.

Mr. MCCOY deemed ten per cent. an ample compensation for the service required, though the service itself would be of little value to the public. At the last census the marshals were required to enter every family, and take an account of its manufactures, but what benefit was it to the nation? For merely rendering an account of the manufacturing establishments, ten per cent. on the amount of the pay allowed for taking the census, &c., would be enough.

Mr. MERCER was in favor of giving a still greater extent to the subjects required to be enumerated and returned by the marshals, so as to embrace all the objects to which the legislation of the country could extend. It was proper that the Legislature should be in possession of statistical information on all the objects which legislation could cover, so as to yield their full benefit to the public councils. So far from considering the bill to embrace too much, Mr. M. was sorry that the scope of inquiry proposed was so narrow. He would embrace all the professions, as he would require returns of the agricultural condition of the country—how much land was in cultivation, how much arable, how much pasture, how much in corn, in rice, &c. No nation had such means of acquiring all this information as was afforded to ours, by the periodical census required to be taken. Nor was the labor difficult. During the last war, the taxes extended to subjects almost without example in any nation—from the family picture which hung on the wall to remind us of our ancestors, to the chair on which we sat; the furniture tax in Virginia produced a net revenue of \$40,000, but the expense of obtaining the information necessary to enable them to levy these and other taxes amounted to a trifle, compared with the sum produced, &c. In almost all legislation for a country, the best guides were tables of statistics, giving the various details to which he had in part referred. To insure proper returns, such as would not mislead instead of enlightening, it was necessary to allow a fair and just compensation. He wished to insure the faithful performance of this important duty, and avoid such abuses, such gross inaccuracies, as he had observed formerly in some of the returns from Virginia, instances of which Mr. M. stated. Economy was urged against a liberal compensation, but, Mr. M. remarked, that money well spent

was always spent according to the soundest principles of prudence and economy—economy did not consist in the mere saving of money—this was often the very reverse of a just economy.

Mr. LIVERMORE, of New Hampshire, was in favor of the amendment, and instead of giving ten per cent., he would be willing to refuse any extra compensation at all for this service. In New Hampshire the officers could make twenty dollars a day by taking the census, and the returns of manufacturing establishments would be generally made out in the evening, when they were doing nothing else. By attending on a market day, he observed, the agents could, in some cases, enter three thousand persons in a day; the pay for which would be a sufficient compensation for all the services required by the bill.

Mr. SMITH, of North Carolina, observed that whatever might be the case in the Northern States, it was very different in the Southern. In the latter, a marshal could often not take down one hundred inhabitants in a day. The assistant would have often to ride thirty or forty miles a day, to provide and support his horse, &c. For this, and the duties required by the bill, which Mr. S. stated in detail, the proposed allowance of twenty per cent. would be by no means too much.

The question was put on Mr. McCoy's motion, and negatived.

Mr. MERCER then, in conformity with the views which he had submitted on the motion just decided, moved so to amend the bill that there should take place a distinct enumeration and return of the persons engaged in the professions of "law, physic, and divinity;" which motion was negatived—yeas 40.

Mr. M. then moved to amend the bill by adding a clause requiring the assistants to include in their returns "such statistical details of the agriculture of the said districts, territories, and divisions, as shall ascertain the quantity of arable and inarable land in each; of the arable land, the quantity cleared and in cultivation; and of the latter, the number of acres in each species of culture, with the average annual product per acre."

Among other reasons for this amendment, Mr. M. remarked, that by imposing this duty on the agents, a greater correctness was insured to the returns of the other subjects, as the agents would be compelled to go about and make an actual and particular inquiry, instead of taking their information on the word of neighbors, &c. The additional information required would not in each case consume more than four or five minutes, and it would go far towards that fullness and perfection in the statistical information of the country which he so much desired to see complete.

The question was taken on this motion, without further debate, and also decided in the negative.

Mr. STORNS made an unsuccessful motion to insert a provision to require the assistants to return the number of "dwelling-houses."

Mr. BLOOMFIELD moved to amend the schedule in the bill so as to make the returns embrace the number of free white males between the ages of 18 and 26, instead of between 16 and 26, so as to

exhibit the number liable to be enrolled, and to show how far the militia returns of the States were correct, &c.

Some objection being made to this amendment in its present shape, by Messrs. CAMPBELL and WHITMAN, the motion was modified by Mr. BLOOMFIELD so as to provide a separate and additional column in the schedule, for the enumeration of "free white males from 16 to 18 inclusive;" and thus the amendment was adopted.

An amendment was adopted, on motion of Mr. SAMPSON, in the clause directing the return of manufactures, to except expressly "household manufactures."

The bill was then ordered to be engrossed for a third reading.

WEDNESDAY, January 19.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom was referred an inquiry into the expediency of allowing Archibald Frew, a collector of the revenue in North Carolina, a commission on nineteen or twenty thousand dollars, collected by him on a warrant issued by the Comptroller of the Treasury, made a report unfavorable thereto; which was read and concurred in.

Mr. CAMPBELL, from the Committee on Private Land Claims, reported a bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri; which was read twice, and committed.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill authorizing the sale of thirteen sections of land, lying within the land district of Canton, in the State of Ohio; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill from the Senate for the relief of Matthew Barrow was taken up, read the third time, and passed by yeas and nays—110 to 27.

Mr. BALDWIN, from the Committee on Manufactures, reported a bill regulating the payment of duties on merchandise imported, and for other purposes; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. BALDWIN, from the same committee, also reported a bill laying duties on sales of merchandise at auction; which was read twice, and committed to the Committee of the Whole to which is committed the bill last reported.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the Quartermaster General, respecting the terms of the contract for the transportation of the troops ordered up the Missouri river, rendered in obedience to the resolution of the 10th instant; which was ordered to lie on the table.

The SPEAKER also laid before the House a report from the Secretary of the Navy, relative to the harbor of Presque Isle, on Lake Erie, in the State of Pennsylvania, rendered in obedience to the resolution of this House of the 26th of February last; which was read, and referred to the Committee on Roads and Canals.

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The Slave Trade—Losses in the Seminole War.

H. OF R.

THE SLAVE TRADE.

Mr. CUTHBERT, of Georgia, submitted the following resolution for consideration :

"Resolved, That the Committee on the Slave Trade be instructed to inquire into the expediency of establishing a registry of slaves, more effectually to prevent the importation of slaves into the United States or the territories thereof."

Mr. C. observed, that it was known we had an existing law on this subject ; the execution of this law depended principally on the national vessels, but, from the great extent of the coast of the United States, slave ships might frequently elude the vigilance of the public vessels, and throw their cargoes amongst our black population, and thus escaping the possibility of being discovered, the law might be violated with impunity. By a register of the slaves of the country, under proper regulations, it appeared to him, Mr. C. said, that it would be practicable, more effectually to enforce the acts prohibiting the slave trade, and preserve the character of the country from reproach.

Mr. RANDOLPH wished to know of the gentleman who offered this resolution, whether the object was, that the proprietors of slaves in the United States should be obliged to furnish to this Government or any officer thereof, a register of their slaves, and to repeat this register annually, or at other periods—thus keeping this property under the supervision of the Government ?

Mr. CUTHBERT observed, in reply, that the Constitution had authorized Congress to prevent the importation of slaves : and, having given this authority, they had the power to use the means necessary to execute that authority. If the law already enacted, depending chiefly on the national vessels for its execution, appeared insufficient, it was proper to inquire what other measures were necessary to effect the object. It had occurred to him that if an office were established to register and identify the slaves belonging to the country, the Government would be able better to execute the provisions of the law. The Government, Mr. C. said, had a right to tax this property, and for this purpose, an account and return of them was necessary ; nor would there be any difficulty in furnishing such a description as would sufficiently identify them. Such a description and registry were made to identify soldiers, when enlisted in the service, and no difficulty was found in it. This, however, was a proposition for inquiry merely, and if it were not manifestly foolish or mischievous, it ought to be granted. In this stage of the business, he did not conceive it proper to enter further into the subject.

Mr. RANDOLPH had not the slightest disposition to impute to the mover of the resolution any object either foolish or mischievous—he would be the last man to do so. Mr. R. said he trusted that his zeal for the suppression of this detestable traffic was not surpassed by that of any man in the nation. It was true the United States possessed the power of putting an end to the slave trade ; but he could not go with Mr. CUTHBERT, quite so far as to admit that the United States were completely at liberty to select their means. He was the last man

willing to stifle inquiry ; he had never refused an inquiry, when asked for ; but, Mr. R. said, he could not help thinking that this may be, in another shape, a question which had unfortunately too often agitated, and might again agitate, this body—he meant the definitiveness of the powers of this Government. He denied that the Government had power to do that, under the plea of means, which it could not under that of ends. It was by this hocus pocus, this legerdemain, that the Government found itself enabled to create a great bank, the happy consequences of which we were now reaping. Where was the use, he asked, of any limitation at all ? for, when we want to do any thing, we have only to call it means necessary for authorized purposes. The English of this, said Mr. R., is, that we may help ourselves to as much power as we please. Against this doctrine and this practice, he protested ; this was a Government of limited powers. It was true, this description of property might be taxed, but in what quality was it taxed ? As a species of property convenient to have a tax imposed on it when a direct tax was assessed in the United States—it was not an exclusive tax upon this property, and the Government had no right to tax it exclusively. Under his present impressions, Mr. R. said, he could not go further than to consent to the inquiry being made ; and he did some violence to his feelings in going so far. In exterminating the slave trade, Mr. R. said, he would join heart and hand with the gentleman from Georgia, so long as they confined themselves to the means which the Constitution gave them ; he would join him, if he chose, in carrying the war into the enemy's country, even into Africa, and endeavor to put it down there, so they did not go beyond the definite landmarks of the Constitution. In any thing he said, Mr. R. disclaimed any intention to impugn the motives or views of the gentleman from Georgia—he was too well acquainted with that gentleman's character, and his principles, to permit himself to question them.

Mr. CUTHBERT rose to say that he saw no danger in a resolution of this kind ; it proposed no step to the House, but merely an inquiry into the expediency of a certain object. The simple preliminary inquiry was, had the House a right to legislate on this subject, and were the existing laws deficient. The inefficiency of the laws was manifest, and it was proposed that a committee inquire whether they can offer a remedy sanctioned by the Constitution of the country, which the unhappy condition of the victims of the practice referred to called for. He could not enter into the details of the subject to inquire whether the Constitution would be violated ; it was sufficient that the Constitution authorized the House to legislate on it, &c.

The resolution was agreed to without further opposition.

LOSSES IN THE SEMINOLE WAR.

The House then agreed, on motion of Mr. JONES, of Tennessee, by a vote of 63 to 57, to resume the consideration of the bill providing for the payment of horses and other property lost, captured, and destroyed in the Seminole war.

An animated discussion again took place on the merits of this bill, and on various propositions to change or amend its provisions. Some of the most prominent motions only are noticed.

Mr. SMITH, of Maryland, made an unsuccessful motion to recommit the bill with the view of introducing certain amendments.

Mr. COBB then moved to strike out all the provisions of the bill after the enacting clause, and insert the following substitute:

"That when any horse, mule, wagon, cart, harness, or other property of any inhabitant or inhabitants of the United States, has been impressed or taken by public authority, for the use of the United States, or for the use or subsistence of the army thereof, during the late war with the Seminole Indians, and the same shall have been lost, destroyed, or consumed, the owner of such property shall be paid the value thereof.

"SEC. 2. *And be it further enacted*, That any person who, in the late war aforesaid, has sustained damage by the loss or destruction of any horse, mule, wagon, cart, or harness, while such property was in the military service of the United States, either by impressment or contract by or under the authority of the same, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss or destruction was without any fault or negligence on the part of the owner, or who has sustained damage by the loss of a wagon, or harness, in consequence of the impressment of the horses belonging thereto, by public authority, for the use of the army, shall be allowed and paid the value thereof.

"SEC. 3. *And be it further enacted*, That it shall be the duty of the Third Auditor of the Treasury Department to decide upon all cases arising under this act, under such rules and regulations as shall be prescribed by the Secretary for the War Department; and a certificate of his decision and adjudication in favor of any claim, duly signed by the said Auditor, shall entitle the claimant or his legal representative to payment of the amount thereof, at the Treasury of the United States."

Mr. C. earnestly supported this amendment, and it gave rise to much discussion, but was finally rejected.

Mr. MCCOY next proposed to amend the bill by adding a proviso, "that, in the settlement of accounts for horses lost in said war by the mounted volunteers, the sum paid to each individual for the use and risk of his horse shall be deducted from 'the value of the horse,'" which amendment, after some debate, in which Messrs. CANNON and JONES opposed it, was agreed to.

Messrs. SMITH, of Maryland, COBB, CANNON, STORRS, JOHNSON, of Virginia, BARBOUR, PINDALL, MCCOY, WALKER, of North Carolina, MERCER and FOOT, took part in the discussion, which continued till near 4 o'clock—of whom Messrs. BARBOUR, CANNON, and JONES, were friendly to the bill, and Messrs. PINDALL, MCCOY, STORRS, JOHNSON, of Virginia, MERCER, and FOOT, opposed to it.

The question was finally taken on ordering the bill to be engrossed and read a third time, and decided in the negative: For engrossing the bill 64, against it 90. So the bill was rejected.

THURSDAY, January 20.

Mr. HENDRICKS presented a petition of sundry inhabitants on the west branch of White river, in the State of Indiana, stating that a certain part of said branch has been included in the fractional sections of land, and sold to individuals, by which the free navigation of the same has become obstructed, and praying that measures may be taken to preserve, to the community at large, the free navigation of the said branch.—Referred to the Committee on the Public Lands.

On motion of Mr. STROTHER, the memorial, calculations, and other documents, which have been heretofore laid before this House, by William Lambert, relative to the establishment of a first meridian in the City of Washington, were referred to the Committee on the Judiciary.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Charles S. Jones, and Richard Buckner, junior, administrators of William Jones; which was read twice, and committed to a Committee of the Whole, to which is committed the bill for the relief of Martha Flood.

Mr. SERGEANT, from the Committee on the Judiciary, reported a bill authorizing the Secretary of State to issue letters patent to Richard Wilcox; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SILSBEE, from the Committee on Naval Affairs, made a report on the petition of James Merrill, accompanied by a bill for the relief of the said Merrill; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. BALDWIN, the Committee on the Judiciary were instructed to inquire into the expediency of allowing a salary to the marshal and district attorney of the western district of Pennsylvania, and the northern district of New York.

Mr. FOOT submitted the following resolution; which was read, and ordered to lie on the table.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of regulating by law the election and returns for Representatives in the Congress of the United States.

The engrossed bill providing for taking the fourth census, or enumeration of the inhabitants of the United States, was read the third time, passed, and sent to the Senate.

The bill for the relief of William McIntosh passed through a Committee of the Whole, (Mr. SMITH, of North Carolina, in the Chair,) on the merits of which a good deal of discussion took place; and, being reported to the House, the question for engrossing the bill for a third reading was negative, and the bill of course rejected.

The House then went into a Committee of the Whole, (Mr. HILL in the chair,) on the report of the Committee of Claims unfavorable to the petition of Jacob Purkill. [Praying that he may be allowed the sum of seven hundred dollars for his negro man Archy, who died, as is alleged, in consequence of a disease contracted by working in the mud and mire at New Orleans, under the order of

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General Jackson, who had impressed him into the service of the United States.]

This report was opposed warmly by Mr. McLEAN, who moved to reverse it, so as to make a decision in favor of the petitioner; and the report was supported by Mr. WILLIAMS, of North Carolina, and Mr. METCALF. Mr. McLEAN's motion was finally negatived; and

The report of the Committee of Claims was subsequently concurred in by the House.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report respecting the balances of moneys unexpended on the 27th of December last, remaining in the hands of the Treasurer, as agent of the War Department; prepared in obedience to the resolution of this House, of the 27th December last; which was ordered to lie on the table.

The SPEAKER also laid before the House another letter from the Secretary of War, transmitting a report, prepared in obedience to the resolution of this House, of the 20th ultimo, requiring him to state whether, in pursuance of the act of the 18th of March, 1818, any pensions have been granted, which, for reasons he will state, ought not to have been granted, and what course has been pursued in relation to such pensions, or those to whom they may have been granted, and the number and names of those who have been placed upon the pension list from each State under the said law; and also the regulations adopted by the War Department, in relation to the examination and admission of claims for pensions under said act; which letter and report were also ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, requesting me "to lay before it, at as early a day as may be convenient, an account of the expenditure of the several sums appropriated for building fortifications, from the year 1816 to the year 1819, inclusive; indicating the places at which works of defence have been begun; the magnitude of the works contemplated at each place; their present condition, the amount already expended; and the estimated amount requisite for the completion of each; also, the mode by which the fortifications are built—by contract, or otherwise?" I now transmit to the House a report from the Secretary of War, to whom the said resolution was referred, which, with the documents accompanying it, contains all the information required.

JAMES MONROE.

WASHINGTON, January 10, 1820.

The Message was read, and laid on the table.

The report of the Committee of Claims unfavorable to the petition of Thomas Camp, who prays to be placed on the pension list, under the Revolutionary pension act of March, 1818, from which he is excluded on account of not having been on the "Continental Establishment," though he had served several years in the Revolutionary war, was committed to a Committee of the whole House, on motion of Mr. JOHNSON, of Virginia, who stated the circumstances of this case, and

wished it to be maturely considered and decided, inasmuch as there were numerous cases of a similar nature in the country—of men strongly entitled, by their services in the Revolution, to the benefits of the act, but who are excluded, because they come not within the law, not having been on what is technically called the "Continental Establishment."

DISTRICT OF COLUMBIA.

Mr. ARCHER, of Maryland, submitted the following resolutions, viz:

1. *Resolved*, That the Committee for the District of Columbia be directed to inquire into the expediency of so amending the laws of the District of Columbia, as that the expenses of the jurors and witnesses attending the circuit court, in all cases except such as are cognizable in a district or other circuit court of the United States, shall be paid by the respective counties of Alexandria and Washington.

2. *Resolved*, That the Committee of the District of Columbia be directed to inquire into the expediency of allowing to the clerks of the circuit court the same fees, in all cases, except in causes of admiralty and maritime jurisdiction, as were allowed to the clerks of the county courts within the States of Maryland and Virginia, before the cession of the said District; and also into the expediency of repealing so much of the laws of the United States as give a daily compensation to the district attorney, clerks, and marshal, for their attendance in the circuit court of the District of Columbia.

3. *Resolved*, That the Committee on the Judiciary be directed to inquire into the expediency of repealing so much of the laws in relation to the fees of clerks and marshals of the several judicial districts of the United States, of the clerk of the Supreme Court of the United States, and of the marshal of the District of Columbia, when attending the said courts, as gives to the said clerks and marshals a daily compensation during the session of the said courts.

4. *Resolved*, That the Committee for the District of Columbia be directed to inquire into the expediency of extending the jurisdiction of justices of the peace in all personal demands for debts to fifty dollars, exclusive of costs, allowing an appeal from the decisions of said justices to the circuit court, and trial by jury.

In offering these resolutions to the consideration of the House, Mr. ARCHER asked leave to offer a few words of explanation. His attention had been called to the object of the first resolution by the report of the Secretary of the Treasury made in conformity with a resolution adopted some days since by the House, calling for information as to the sums expended for holding courts within the District of Columbia, since the assumption of jurisdiction by Congress over it. By this report, it appeared that there had been paid out of the Treasury, during a period of nineteen years, the sum of three hundred and fifty three thousand dollars; that, during the last six years, these expenses had been annually increasing—a greater sum being paid last year than at any former period. The report stated the sum paid for the year 1819, to be thirty-three thousand dollars. These sums were applied to the payment of jurors and witnesses attending the courts on criminal prosecutions, in cases where

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the United States failed in the prosecution. Before the cession of the District of Columbia to the General Government, by the States of Maryland and Virginia, these expenses, Mr. A. said, were levied on the property of the counties, and paid out of the county treasury. No part of them was ever defrayed out of the treasury of the States; and no reason could be assigned why we should defray the expenses arising from the administration of justice in this District, that would not equally operate in favor of the same policy towards the most distant county in the United States. It was true, that, as far as regarded suits which were of such a character as would be cognizable before any district or other circuit court of the United States, it would be proper that the United States should bear the expenses incidental to their adjudication in the courts; and he did not propose, in that respect, by the resolution, to make a difference between this District and other judicial districts of the United States.

With regard to the second resolution, Mr. A. said, his object was to reduce the fees of the clerks of the circuit court of the District. He had been informed (and he did not doubt the correctness of his information) that the number of suits instituted to a term varied from eight hundred to one thousand five hundred in the circuit court for Washington county, and that the fees were extravagantly high, being the same by law as those in the district court of Maryland. The fees in that court, by the act of 1799, were to be the same as in the highest court of Maryland; and, after being taxed thus high, the clerk has the privilege, by an act of Congress, of adding one-third to the amount. In addition to all this, said Mr. A., he is to have a compensation for his attendance on the courts of five dollars per day. Mr. A. presumed this *per diem* had originally been allowed upon the presumption that the number of suits instituted in the courts would be so small that the fees would not enable the courts to procure clerks of capacity, and therefore it was deemed necessary to give this allowance. The daily compensation allowed to the Marshal and District Attorney, Mr. A. thought, rested upon no better grounds. Their fees were considerable, and their offices profitable; and he did not hesitate to say, that the office of clerk of the circuit court of Washington county was, as at present organized, one of the most lucrative offices in the United States. He believed that, considering the amount of fees as authorized by law to be taxed, the administration of justice in this District was more expensive than in any portion of the United States.

With regard to the third resolution, Mr. A. observed, that in the States of Massachusetts, Rhode Island, Connecticut, the southern district of New York, and Pennsylvania, the officers of the court named in the resolution received no daily compensation. He presumed the reason for this variance in our laws was, that in these States it was supposed that the business of the court would furnish a sufficient compensation for the officers, without a payment of any sum to them on the part of the Government. He believed that there were several

other States in the Union in which these compensations were made to the officers, where the profits of office would justify the Government in withholding the payment of them. The subject at least appeared to him to be worthy of inquiry, and the more particularly so at the present period, as it becomes us all to look out for objects of wasteful expenditure.

The last resolution had been proposed with the view of ridding the docket of the circuit court from a great variety of small debts, which could as well be decided by justices of the peace as by the circuit court of the District. In most States of the Union, the jurisdiction of justices of the peace had been extended beyond twenty dollars, and the consequences had been found very beneficial to the people. The Constitution of the United States had declared that the right of trial by jury should be preserved in all cases above twenty dollars, and the resolution contemplated the preservation of that right by authorizing appeals to the circuit court. It really is, said Mr. A., an intolerable grievance for a man who owes twenty or thirty dollars, to be dragged into a court of justice in cases where no dispute exists, where there can be no legal defence, and compelled to pay a sum, in costs, nearly equal to the debt he owes.

Mr. WHITMAN conceived the first resolution too indefinite in its phraseology, and entered into some detailed explanations to show the expediency of instituting an inquiry somewhat different, though with the same object substantially. Mr. W. then, in accordance with the views which he had offered, moved the following as a substitute for Mr. ARCHER's first resolution:

"Resolved, That the communication of the Secretary of the Treasury of the 12th instant, containing a statement of the expenditures in relation to the judiciary of the District of Columbia, be referred to the Committee on the District of Columbia, with instructions to inquire into the expediency of providing that all such expenditures, other than for the salaries of the Judges and of the Attorney and Marshal, be paid and disbursed from funds, to be derived from the counties in which the expenditures may accrue respectively."

Before the question was taken on this substitute, Mr. SMITH, of North Carolina, moved, as there seemed some conflict of opinion on a part of the resolutions, which the House perhaps did not at present fully comprehend, that the resolutions be laid on the table and be printed; which motion prevailed, 59 to 48, and they were laid on the table accordingly.

Mr. KENT, of Maryland, stated that, by a reference to the report of the Secretary of the Treasury respecting the expenses of the judiciary of this District, which had just been alluded to in the discussion, it would appear that it afforded only the aggregate view of all the expenses of the judiciary, including the Supreme Court of the United States, &c. He wished to see the expenses of the several courts distinctly stated, that no misapprehension of the subject might exist; and, therefore, moved the following resolution; which was read, and agreed to:

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Resolved, That the Secretary of the Treasury be ordered to report to this House the amount of fines, penalties, and forfeitures imposed, levied, and collected in the District of Columbia, by order of the Circuit Court of the United States for the said District, in each year, from the year 1801 to the year 1819, both inclusive—and that the said Secretary also state what part of the expenditure, stated in his report to this House, made at the present session, of the expenses of the judicial system of the said District, since the assumption of jurisdiction by Congress, have been incurred on account of the District Court of the United States, and on account of the sitting of the Supreme Court of the United States within the said District."

FRIDAY, January 21.

Mr. MOSELEY presented a petition of James Simpson, Consul of the United States at Tangier, in the Kingdom of Morocco, by James Riley, his attorney, praying to be allowed the sum of four thousand dollars a year, for his services in the capacity aforesaid, from the year 1797, (the time of his appointment,) and that he may be allowed house-rent for the same period; which was referred to the Committee on Foreign Affairs.

Mr. HARDIN presented a resolution of the General Assembly of the State of Kentucky, instructing their Senators and requesting their Representatives in Congress to use their efforts to procure the passage of a law to admit the people of Missouri into the Union as a State, whether those people will sanction slavery by their constitution or not; which resolution was committed to the Committee of the Whole, to which is committed the bill to authorize the people of the Territory of Missouri to form a constitution, &c.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel Ward," made a detailed report upon the merits of the claim of the said Ward, and recommending the rejection of the said bill; which report and bill were committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act for the relief of the heirs and representatives of Nicholas Vreeland, deceased."

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the Paymaster General on the petition of Polly Potter; which was read and referred to the Committee on Pensions and Revolutionary Claims.

A motion was made by Mr. SMITH, of North Carolina, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 19, nays 54.

Another motion was then made by Mr. SMITH, of North Carolina, that the House do now adjourn; and the question being taken thereon, it passed in the affirmative, and the House adjourned.

SATURDAY, January 22.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom was referred the

petition of Conrad Wile and others, reported a bill for the relief of the heirs and representatives of Isaac Melchior, deceased; which was read twice, and committed to the Committee of the Whole, to which is committed the bill for the relief of Martha Flood.

Mr. S., from the same committee, also reported a bill for the relief of John D. Carter; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States," reported the same with amendments; which were committed to a Committee of the Whole on Monday next.

The Committee on the Judiciary, to whom was referred the Message from the President of the United States, communicated to this House on the 5th of February, 1819, relating to applications from the British Minister in behalf of certain British subjects, who had suffered in their property by proceedings to which military and judicial officers of the United States were parties, were discharged from the further consideration thereof; and the Message was referred to the Committee on Foreign Affairs.

The Committee of the Whole, to which is committed the bill in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, were discharged from the further consideration thereof; and it was recommitted to the Committee of Ways and Means.

Mr. COOK submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salaries of the judges of the district courts of Indiana and Illinois.

The said resolution was read; and, on the question to agree to the same, it was determined in the negative.

The House proceeded, on motion of Mr. FOOT, to consider the resolution submitted by him yesterday, to instruct the Judiciary Committee to inquire into the expediency of passing a law to regulate the election and return of members of this House; and on the question of adopting the resolution, it was decided in the negative.

The House resolved itself into a Committee of the Whole, (Mr. TOMLINSON in the chair,) on the bill making appropriations to supply the deficiency in the appropriations heretofore made, for the completion of the repairs of the north and south wings of the Capitol, for finishing the President's House, and the erection of two new Executive offices; and the blanks having been filled, the bill was reported to the House, as amended, and ordered to be engrossed for a third reading.

The next order of the day was the bill to authorize the people of Missouri to form a State government, and for the admission of the State into the Union; which, being called, Mr. TAYLOR moved its postponement to Monday, the 31st in-

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stant, when it was moved that the House adjourn, and the House adjourned.

MONDAY, January 24.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill concerning certain claims to land in the State of Illinois; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. BRUSH, from the Committee on Military Affairs, reported a bill for the relief of William King; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. RICH rose, and observed that, notwithstanding the conclusions which had been formed and reported by the Committee on Revolutionary Pensions on the subject of the inquiry referred to them on the 15th of December, relative to the pension law of March 18, 1818, he yet hoped that further inquiry might produce a different result, and that some modification might yet be made of that act which would adapt its operation to the views of its framers, &c. He therefore moved a resolution, that the Committee of the Whole House, to whom had been committed the report of the Committee on Revolutionary Pensions, made on the 4th instant, be discharged from the further consideration thereof, and that it be referred to the Committee of Ways and Means; which resolution was agreed to.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act to continue in force the act, entitled "An act to provide for reports of the decisions of the Supreme Court," approved the 3d of March, 1817;" and an act to establish a district court in the State of Alabama;" in which bills they ask the concurrence of this House. The said bills were severally read twice, and referred to the Committee on the Judiciary.

Mr. COBB submitted the following proposition of amendment to the Constitution of the United States; which was read, and ordered to lie on the table:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, to wit:

"No Senator or Representative in the Congress of the United States shall, during the time for which he was elected, be appointed to any office under the authority of the United States."

On motion of Mr. LIVERMORE, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of making any alteration in the law that gives the right of franking to Members and Delegates of Congress.

On motion of Mr. TRACY, the President of the United States was requested to inform this House what loans (if any) have been made since the peace, to private citizens, of powder, lead, and

other munitions belonging to the Government, by officers of any department of the army or navy; specifying the times, terms, object, and extent, of such loans; the names of the persons by whom, and to whom, made; the different times of repayment; and also the amount of the ultimate loss (if any) likely to be incurred by the Government in consequence thereof.

JAMES JOHNSON.

Mr. COCKE submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to report to this House what sums of money have been actually paid to Colonel James Johnson, in virtue of articles of agreement entered into on the 2d day of December, 1818, and also report what sum is now claimed by him in virtue of said articles of agreement; specifying particularly the several items: and that he also report whether public notice was given when proposals would be received for a contract to furnish transportation to the troops ordered up the Missouri river.

Mr. SMITH, of Maryland, moved to lay the resolution on the table, as there was an arbitration pending on the subject of it, which it might not be proper for the House to interfere with by any steps on its part at present.

Mr. COCKE opposed the motion, and advocated his resolution at some length, on the ground of the unsatisfactory nature of the report made recently on the subject by the War Department in reply to an inquiry from this House.

The motion to lay the resolution on the table was lost, and the resolution was agreed to without a division.

PUBLIC BUILDINGS.

The engrossed bill making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the wings of the Capitol, for finishing the President's House, and the erection of two new Executive offices, was read a third time, and the question stated on its passage.

A debate of about an hour ensued on this bill—not so much on the question whether it ought or ought not to pass, as on the circumstances which called for it.

Mr. JOHNSON, of Virginia, and Mr. RANDOLPH argued against the practice of transferring and of exceeding appropriations for specific objects, and against the responsibility assumed by the President in this case, of borrowing money for the purpose of completing the public buildings. These gentlemen protested warmly against the unconstitutionality of such unauthorized exercises of power by the Executive, their dangerous tendency, the culpability of permitting them, &c.; that no Executive officer had the power to pledge Congress to make good sums which he should raise and expend, without the authority of law, &c.

Messrs. COBB, LIVERMORE, TAYLOR, FOOT, CLAGETT, and RHEA, although not at all differing from the former gentlemen in the correctness of the doctrines they advanced, supported this appropriation, and justified the steps on the part of the

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Executive which had called for it; arguing that Congress had required of the Executive expressly to have these buildings repaired and rebuilt; that they had felt and expressed dissatisfaction because the Capitol was not in readiness at the last session for the reception of Congress; that the President, consulting the convenience and accommodation of the Legislature, and finding the appropriations not sufficient for the object, had diverted the funds to it which had been appropriated to other objects in the city, and had directed the Commissioner of the Public Buildings to accept an advance of money which had been tendered by one of the city banks, to make up the remaining deficiency, relying on Congress to make it good; that what he had done was in pursuance of what he deemed his duty in providing for the accommodation of Congress; and that, however just the objections in the abstract, and to ordinary cases, the President was in this justifiable, &c.

The question was then taken on the passage of the bill, and carried, without a count, and the bill was sent to the Senate for concurrence.

DISTRICT COURTS.

The House then proceeded, on motion of Mr. ARCHER, of Maryland, to consider the resolutions submitted by him on Thursday—Mr. WHITMAN's motion to amend being the question first in order.

The amendment was opposed by Mr. ARCHER and supported by Mr. WHITMAN, at some length. It was finally disagreed to.

After some conversation between Mr. COBB and Mr. ARCHER, in which the former suggested, and the latter gentleman admitted, that he had fallen into a misapprehension, in the remarks he had made on Thursday, respecting the fees of some of the officers alluded to, and also that he was now sensible the per diem allowance to the marshal was not improper, on account of the otherwise uncompensated attendance of that officer on the sittings of the Supreme Court, &c.; and after some remarks from Mr. EDWARDS, of Connecticut, to show the impropriety of the discrimination which had been made by the act of 1814, in the per diem allowance to certain marshals, and its withdrawal from others, the resolutions were all agreed to—the third so modified as not to apply to the marshal of the District, and the fourth, on motion of Mr. SOUTHWARD, so as to leave the sum to which the jurisdiction of the justices shall be extended blank, so as to be filled up hereafter.

ADMISSION OF MISSOURI.

The bill to authorize the people of Missouri Territory to form a constitution and State government, and providing for the admission of such State into the Union, being the first order of the day, was announced by the SPEAKER.

Mr. TAYLOR moved that the consideration of the bill be postponed to this day week, with the view of waiting the decision of the Senate on the bill now before them on this subject.

This motion brought on an animated debate of considerable length, in which the propriety of waiting the movements of the other House, or of

proceeding now to consider this bill, in which there were various details to be considered and decided, besides the principle now under debate in the Senate, &c., were discussed.

The motion to postpone the bill was supported by the mover, and Messrs. LIVERMORE, CLAGETT, and CUSHMAN; and the postponement was opposed by Messrs. SCOTT, LOWNDES, BRUSH, COOK, FLOYD, and CAMPBELL.

The question was at length decided in the negative, by yeas and nays: For postponement 87, against it 88, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Bateman, Boden, Butler of New Hampshire, Case, Clagett, Clark, Crafts, Cushman, Darlington, Dennison, Dewitt, Dowse, Eddy, Edwards of Connecticut, Fay, Folger, Ford, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, Mallary, Marchand, Mercer, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Patterson, Peck, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Silabee, Sloan, Smith of New Jersey, Southard, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bayly, Beecher, Bloomfield, Brevard, Brown, Brush, Bryan, Buffum, Burwell, Butler of Louisiana, Campbell, Cannon, Cobb, Cocke, Cook, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Floyd, Foot, Fullerton, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLane of Kentucky, Mason, Meigs, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Stevens, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina.

It was then moved by Mr. HOLMES that the House go into Committee of the Whole on the said bill; but, before the question was put on this motion, the House, about 4 o'clock, adjourned.

TUESDAY, January 25.

The SPEAKER communicated to the House a letter addressed to him as Speaker of this House, by G. McGlassin, late a Major in the Army of the United States, soliciting a suspension of the individual opinion of the members of this House, in relation to the case wherein he is mentioned as having been dismissed the service for cruelty, until the circumstances of the case be laid before the

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public;* which was read, and ordered to lie on the table.

The SPEAKER also presented the petition of Ephraim Cooper, stating that he has recently discovered a new method of raising and subsisting the silk worm, and manufacturing silk, and praying Congress to make him a grant of from twenty-five to fifty thousand dollars for his said discovery; when, as he states, he is willing to make the same public for the benefit of the people of the United States; which, together with some accompanying disclosures on the subject, were referred to the Committee of Manufactures.

The SPEAKER also presented a petition of John M. Jones, stating that he has lately discovered a new method of taking rats and mice, by which, with a trifling expense, any person possessed of the secret may entirely extirpate these vermin from any house, ship, or other place they may infest; and praying Congress to make him a grant of such sum of public money as they may think his discovery merits, in order that it may be made public for the benefit of the good people of the United States; which was ordered to lie on the table.

Mr. CAMPBELL presented a petition of sundry inhabitants of the State of Ohio, praying that additional regulations may be adopted in relation to the sale of the public lands, in order to prevent speculations, and to protect the rights of poor men; which was referred to the Committee on the Public Lands.

The resolution submitted by Mr. COBB on yesterday, proposing an amendment to the Constitution of the United States, was read the second time, and committed to a Committee of the whole House on the state of the Union.

On motion of Mr. MERCER, the Secretary of the Treasury was directed to lay before this House a copy of the act of the Legislature of Louisiana, which accompanied the letter of the collector of New Orleans to the Secretary of the Treasury, dated April 17th, 1818.

On motion of Mr. ALLEN, of Massachusetts, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for securing to the several pensioners of the United States the benefit of their pensions, by exempting any moneys which may be paid on account of such pensions, from foreign attachment, set-off, or other laws in the respective States, by which such moneys may be intercepted, before the actual receipt of them by such pensioners.

On motion of Mr. ANDERSON, the Clerk of this House was directed to procure, for the use of the Committee on the Public Lands, maps of all the States and Territories which include any of the public land of the United States.

Mr. PHELPS submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law that moneys received for postage shall be paid directly into the Treasury of the

United States; and that the Postmaster General of the United States shall, annually, report to Congress a list of all contracts which he may have made, within the preceding year, for the transportation of the mail; and specify, in such report, the name and residence of each contractor, the amount to be paid him, and distance embraced in each contract.

After some little discussion, and once refusing to lay the resolution on the table, it took that course, and lies on the table.

ADMISSION OF MISSOURI.

The House then, on the motion of Mr. SCOTT, resolved itself into a Committee of the Whole, on the bill authorizing the people of the Missouri Territory to form a constitution and State government, &c.

Several important propositions were successively made in the course of the sitting to amend the bill, and a great deal of discussion took place. The Committee rose without deciding on any question, and obtained leave to sit again.

WEDNESDAY, January 26.

On motion of Mr. WOODBRIDGE, a committee was appointed to inquire whether any, and, if any, what further provisions may be necessary to give effect to the provisions of the treaty made at Brownstown, in the Territory of Michigan; and Messrs. WOODBRIDGE, BEECHER, and ROSS, were appointed the said committee.

MISSOURI BILL.

The House then again went into Committee of the Whole on the bill for the admission of Missouri.

The proposition under consideration was an amendment, offered yesterday, to the second section of the bill, by Mr. STORRS, substantially to alter the limits of the proposed State, so as to make the Missouri river the northern boundary thereof, with the view of drawing a line on which those in favor of, and those opposed to the slave restriction, might compromise their views.

Mr. STORRS rose and withdrew the amendment which he had offered yesterday, and in lieu thereof submitted the following:

And provided further, and it is hereby enacted, That, forever hereafter, neither slavery nor involuntary servitude, (except in the punishment of crimes, whereof the party shall have been duly convicted,) shall exist in the Territory of the United States, lying north of the 36th degree of north latitude, and west of the river Mississippi, and the boundaries of the State of Missouri, as established by this act: *Provided*, That any person escaping into the said Territory, from whom labor or service is lawfully claimed in any of the States, such fugitive may be lawfully reclaimed, and conveyed, according to the laws of the United States in such case provided, to the person claiming his or her labor or service as aforesaid.

On this motion a debate ensued, of a desultory character. Messrs. RANDOLPH, LOWNDES, MERCER, BRUSH, SMITH of Maryland, STORRS, and CLAY, successively followed each other in debate. Mr. S. SMITH, of Maryland, said, that he rose

* *Vide* Message from the President, received the 10th instant.

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principally with a view to state his understanding of the proposed amendment, viz: That it retained the boundaries of Missouri, as delineated in the bill; that it prohibited the admission of slaves west of the west line of Missouri, and north of the north line; that it did not interfere with the Territory of Arkansas, or the uninhabited land west thereof. He thought the proposition not exceptionable, but doubted the propriety of its forming a part of the bill. He considered the power of Congress over the Territory as supreme, unlimited, before its admission; that Congress could impose on its territories any restrictions it thought proper; and the people, when they settled therein, did so under a full knowledge of the restriction. If, said he, citizens go into the Territory thus restricted, they cannot carry with them slaves. They will be without slaves, and will be educated with prejudices and habits such as will exclude all desire on their part to admit slavery when they shall become sufficiently numerous to be admitted as a State. And this is the advantage proposed by the amendment; for, when admitted as a State, they can, under the Constitution, be subjected to no other restriction than is imposed by that instrument on all the other States of the Union.

Mr. S. said that he meant not at this time, nor did he know that he should at any future time, enter into the discussion of the main point; but he must protest against the construction just given to the section of the Constitution relative to migration and importation. The section he read thus: "The migration or importation of slaves, 'such as any of the States may think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a duty may be imposed not exceeding ten dollars each.'" The word migration was, he contended, applicable to slaves imported; it had no reference whatever to the native born slaves. The word was intended to prevent the interference of Congress with slaves imported into one State from being removed into another. The States of South Carolina and Georgia insisted on this provision in the Constitution. Virginia and Maryland did not permit importations. The importations were almost exclusively confined to Charleston; and the word "migration" was introduced to permit slaves, imported into that port, to be passed, without molestation, into Georgia and North Carolina. It had no reference to any other than slaves imported; none whatever to native born slaves. Read the section without the words "or importation," and a doubt cannot remain, to wit: "The migration of such slaves as the existing States shall think proper to admit, shall not be prohibited prior to the year 1808." Can these expressions have any reference to the native born slaves? Certainly not; they refer only to such slaves as the existing States may admit to be imported during the given time, and to none other. I remember well that the word "migration" was considered, by the friends to the alien law, as applicable to whites emigrating from any part of the world to the United States; and that the sweeping effect given by the gentleman (Mr. BRUSH) to the words "general welfare," was

used to justify the alien and sedition laws; indeed, the gentleman's construction of the powers granted by those words gives all power to Congress: the power would, according to his definition, be completely dictatorial. But the gentleman says, that Congress has power "to regulate commerce among the several States;" and, under that power, can prohibit slaves passing from one State to another. A farmer, going to Missouri with his family and slaves, can be prohibited by Congress, under the power to regulate commerce, from taking his slaves with him, although intended for agriculture, and not for commerce. Can the gentleman really believe in that doctrine? But I deny that Congress has power to prohibit the produce of Maryland from being sent to Boston. It has never been tried; if it ever should, it will meet with few advocates. If Congress has not the power to prohibit the cotton of the South from passing to New York for sale, it cannot have the power to prohibit the slaves of the South, under the power to regulate commerce, from being sent to Missouri, either with or without their masters. If they are property, they cannot be prohibited unless Congress has power to prohibit other property. If they are persons, black persons can no more be prohibited than white persons.

Mr. S. then said, that he had been led farther into the subject than he had intended when he rose, and would detain the Committee no longer.

Mr. MEIGS, of New York, spoke as follows: Mr. Chairman, I assure the Committee that I shall not detain them long by my observations upon this question; nor should I now undertake to consume the fifteen or twenty minutes which I shall allot to myself, if it was not for the somewhat peculiar situation in which I am placed.

It is well known that the Legislature of the respectable State which I have the honor in part to represent, has requested the Representatives of that State, upon this floor, to vote for the restriction upon Missouri, now under consideration.

I have examined, attentively, the mass of argument which has been so laboriously accumulated on this question; and never, perhaps, was there on any occasion so much exhausted as on this. But, sir, I freely own that I cannot, in conscience or judgment, consent to impose this restriction upon Missouri.

There is a wonderful singularity in the present controversy, which destroys all confidence in the weight and value of that process of mind which we so proudly dignify with the title of reasoning. Sir, I never yet knew that reason and logic were to be found on this side or that of a parallel of latitude or longitude. What is the fact in this case? Why, sir, the parallel of latitude of 39 degrees almost precisely marks the division between the reason and argument of the North and South. That line of demarcation separates the slaveholding from the non-slaveholding States. On the south side of that line we find the climate and soil adapted to slaves, and there are the slaves; on the north side of that line we discover that the soil and climate require no slaves, and, therefore, few or no slaves are found. What, sir! is it possible,

then, that one half of us can be rationally and argumentatively on one side of the parallel of latitude, and the other half of us upon the other? I did believe that the truths of philosophy, that reason, that the principia of Newton, were the same in every latitude, in every climate, and on every soil of this globe. Sir, there must be some mistake among us upon this occasion, and from the reflections which I have made, I think I can point it out.

It is now at least twenty years, that I have, with some pain and apprehension, remarked the increasing spirit of local and sectional envy and dislike between the North and South. A continued series of sarcasms upon each other's circumstances, modes of living, and manners, so foolishly persevered in, has produced at length that keen controversy which now enlists us in masses against each other on the opposite sides of the line of latitude. Gentlemen may dignify it by whatever titles they please. They may flatter themselves that all is logic, reason, pure reason. But certain I am, that it is neither more nor less than sectional feeling. Feeling, sir, however gravely dignified, has brought us in hostility to this singular line of combat, and we, who are, you know sir, "but children of a larger growth," are now most aptly comparable to those celebrated and eternal factions of *Up Town* and *Down Town Boys*. I put this observation to every one who hears me, with the wish that he may apply his own recollections and reflections to it. Gentlemen may exhaust all their arguments, all their eloquence upon the question before us; they may pour out every flower of rhetoric upon it; but, sir, I view their labors as wholly vain, and I fear that their flowers will be found to be the most deleterious and most poisonous in the whole range of botany. They poison national affection.

Reason divided by parallels of latitude! Why, sir, it is easy for prejudice and malevolence, by aid of ingenuity, to erect an eternal impenetrable wall of brass between the North and South, at the latitude of thirty-nine degrees! But, in the view of reason, there is no other line between them than that celestial arc of thirty-nine degrees which offers no barrier to the march of liberal and rational men. Is it forgotten that the enlightened high priest, the archbishop of one belligerent, goes to the temple of the Almighty and chants "*Te Deum laudamus*," for the victory obtained by his country, with carnage and devastation, over the enemy; while the archbishop of another belligerent is at the same time entering the house of God, and singing also "*Te Deum laudamus pro victoria*," upon the other side of the line, the creek, or the river? We, who know these things, should profit by our knowledge, learn liberality, and practice it. It is true, and I glory in the knowledge of the truth, that, in matters of religion, this country has, in its constitutions, attained a high point of reason and liberality.

Men, after forty or sixty years of religious intolerance, here, at last, may worship the Creator in their own way. What a privilege! how dearly acquired! how much to be prized! It fills us with astonishment, when we reflect how hard it is for

us to refrain from forcing by power our opinions upon our brother men! how readily each individual imagines that the light is alone in his own breast, and how enthusiastically he engages in propagating it among mankind by all possible means, fancying, dreaming that he is a prophet, a vicegerent of Almighty God.

Sir, we have been now for a long time occupied in this debate, mis-spending our time and the public money. I feel well assured that the body of the people will judge our conduct rightly. They are able critics. Yes, sir, even in matters of sublime art, even in those works which none can execute, all are critics! They determine, at a glance of the eye, what is good and beautiful in architecture, in statuary, in painting, and, what is to them still more easy, what is good in governments and constitutions. They will soon ask us, what is the controversy about? Did you, from motives of policy and regard for the welfare of the whites, propose to remove the growing black race from this country? No. Did you, actuated by humane considerations for the unfortunate slaves, propose to redeem them from their bondage, and restore them to liberty and the land of their fathers? No. What then? Did you propose to draw such lines of restriction around the slave population as would ere long starve them out, and so prevent their becoming dangerous to the whites? If you did, remember that such is the increasing kindness of the slaveholders, so ameliorated the condition of the slave, that not one slave, not one child less will be born, and not one can die by starvation. Sir, the truth is, that nothing has yet been proposed beneficial either to the white or black race in all this long-drawn debate. Give me leave to say, sir, that this consideration induced me to introduce the resolution which now lies upon the table, devoting the public lands to the emancipation and colonization of the unfortunate slaves. If we want some object upon which to exhaust our enthusiasm, here is one worth it all. Not the subjugation of a people, but the redemption of a nation.

We are attempting here to legislate for Missouri, without a due attention to the situation, the genius of the people, soil, climate, and all the matters which ought to constitute good law. The celebrated Montesquieu obtained great and deserved reputation by his essays upon *L'Esprit des Loix*. It is an admirable character of human knowledge, one which had not been, until his time, tolerably known, and not now well understood. Nothing is more difficult than to make good laws, such as will last long and wear well. We, sir, with all our knowledge, make a dozen for one which well answers its end or performs its office. All lawyers know, and I pray the particular attention of the lawyers of this House, how readily laws become, as we term it, *obsolete*; or, as I would phrase it, (like the caps and dresses of the ladies,) become *unfashionable*—how often changed. It is necessary, says Montesquieu, to make laws exactly suitable to the genius of the people, to the physical laws of climate, &c., to the habits of a people, and to the very moment of time in which the law is made. A law made

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contrary to the genius and will of a people, to their climate, habits, and circumstances, will never be executed, never was long maintained, and is for a law a mere absurdity. Also, if it is made out of time, that is, not suitable to the very time in which it is made, it will, with the caprice of fashion, speedily become unfashionable, or, as the lawyers say, obsolete.

Sir, it is my intention only to point, with an index finger, at the chapters which contain, as I believe, the facts and the learning worth reading on this occasion, and by no means to read you the whole chapters themselves. I will now, sir, point out another chapter which, in my judgment, contains much in relation to this controversy.

There is a class of politicians among us, with whom I have, at least in one respect, always differed very widely indeed. This class always holds in doubt and apparent dread the extension of Republican Government. It has never been able to trust to the discretion and ability of the mass of the people, in matters of self-government, in constitution making; from the time of the building of the celebrated narrow Saybrook platform, to this hour. It is, in spite of experience, in dread of every new State, and trembles at the idea of a convention for the purpose of making a constitution! Sir, I have had some acquaintance, these twenty years, with the good people of our country, south as well as north, from the man of the South with the rifle on his shoulder, to the honest mechanic of the North, and I have acquired from this knowledge absolute confidence in the ability of all or any of them to make a good Republican constitution for the government of themselves. I believe there are three millions of the people of the United States that can make unexceptionable Republican constitutions, who could not well put a patch upon a shoe; and that nineteen out of twenty of our agricultural citizens know better the art of constitution-making than the best methods of raising cabbages. This class of politicians believe implicitly in the doctrine that men are not angels—that they are infirm. I agree with them, only differing from them in this particular, that I believe that infirmity is extended to, and includes them and myself, as well as the body of the people.

So unbounded is the confidence which I have in these truths, that I have long felt the inspiring belief that our free Republican systems of government will expand, until they cover and embrace this mighty Northern Continent at least.

I am surprised to hear Missouri sometimes spoken of as a child of ours—we are her parents; sometimes a ward—we the guardian; sometimes as a pupil. Why, sir, I sincerely believe that a man of forty years of age in Missouri is as old as any man of forty in the North. I cannot believe that I, or any other man or men, are better capable of governing Missourians than they are of governing themselves. They are no more children, or pupils, or wards, than we are.

I have heard an argument, not in this House, but elsewhere, and from high authority, that the power of Congress to admit new States, was a universal proposition, containing within it every

possible requisite; power to admit, reject, modify, bargain with, or restrain, new States. Sir, it is an universal proposition of vast extent; that is, it does extend as wide as the utmost breadth of good sense, and as long as the extreme length of justice, but no further.

The application of this universal proposition is such as almost tempts me to make another. As, for instance, it is a universal proposition that every instrument or tool in the hands of a man, is a thing to work with. This penknife is an instrument or tool—therefore I can plough ground with it! Congress have no power, under this universal proposition, to make any law contrary to *L'Esprit des Loix*, contrary to the genius and will of a people, to the laws of climate, or, at an improper time. Such attempts will be mere absurdities—violence will be committed upon the fundamental principles of all law, and can never be executed.

Our free Constitution was made by men who were wise enough to know the danger of sectional divisions. This Constitution is no more than a profoundly wise agreement to differ; an agreement to differ in matters of small importance, in order that we might not agree to destroy each other in perpetual wars. If we, sir, shall be unhappily so unwise as to forget this, nothing will be left for us and our posterity but awful combats at parallels of latitude, or physical lines of demarcation.

Sir, I feel no inclination, for my part, to exercise my small portion of legislative power where it is not called for nor wanted. I do not discover any thing in the genius, the will, or the circumstances, of Missouri, that demands my interposition. They are better able to judge for themselves than I am to judge for them. When public opinion in any country asks for legislation, it always follows in obedience to the call. When the peculiar condition of a country requires a navigation act, or any other important regulation, then it is that legislators dream that they have anticipated public necessity, and glory in their fancied wisdom. When the venerable John Adams, late President of the United States, was asked, who were the founders of the Revolution? His reply was, replete with wisdom, substantially this: The public opinion, which might be traced as far back as the Puritans, who fled from England to Holland to escape religious persecution and intolerance, and who came thence to America to be free. It was the opinion of women as well as men, which founded our present Republican Constitution.

Sir, when circumstances imperiously demand legislation, then, in the rear, follows, as it ought to do, the act of the legislator. But I have already attained the limit of time which I proposed. I meant no more than to point at those chapters which I deem worth study on the present occasion, and which have not been mentioned by other gentlemen in this debate. My fifteen or twenty minutes are almost consumed; I have not time to add more than my earnest request that gentlemen will seriously consider, in the first place, that chapter of human learning which treats of prejudices and sectional feelings, more especially the full history of the factions of the *up* and *down town boys*.

Secondly—that chapter which treats of the spirit of all law, of the necessity of adapting all legislation to the genius and will of a people, to their physical condition as to climate, &c., and to the exact point of time for the exercise of legislation.

And, lastly, that chapter which treats of the best methods of bringing men to agree to differ; of the great benefits of such an agreement; that our glorious Constitution is such an agreement; and, above all, that part of the chapter which teaches us to avoid the awful, the most horrible evils, which are treated of in the tremendous chapter of human war. Mr. Chairman, my allotted twenty minutes are consumed; I have done.

The question being taken on the motion of Mr. STORRS, was decided in the negative.

The reading of the bill proceeded as far as the fourth section; when

Mr. TAYLOR, of New York, proposed to amend the bill by incorporating in that section the following provision:

Section 4, line 25, insert the following after the word "States:" "And shall ordain and establish, that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid: *And provided, also,* That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory."

The main question of the restriction on slavery in the future State of Missouri, being thus fully before the House, and the usual hour of adjournment having arrived, the Committee rose, reported progress, and obtained leave to sit again.

THURSDAY, January 27.

Mr. KENT presented a petition of sundry inhabitants of Annapolis, in the State of Maryland, on behalf of Mrs. Mary Wells, mother of Daniel Wells, jr., who was killed in the battle near Baltimore, in the late war with Great Britain, and is believed to be the person who killed General Ross, the British commander on that occasion, praying that some provision may be made for her support, in consideration of the distinguished gallantry and services of her son, on that memorable occasion.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. BRUSH presented a memorial of the General Assembly of the State of Ohio, praying that provision may be made for the relief of such purchasers of public land as may forfeit the same from their inability to complete their payments therefor; which was referred to the Committee on the Public Lands.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of the General Assembly of the State of Illinois, re-

specting rights to land heretofore confirmed by the former Governors of the Northwestern Territory; which was referred to the Committee of the Whole to which is committed the bill confirming certain claims to land in the State of Illinois.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of sundry merchants of Baltimore, for compensation for vessels sunk in that harbor during the military operations in its neighborhood, in the year 1814; which was ordered to lie on the table.

The SPEAKER laid before the House a report of the Secretary of War, on the petition of Major John Brooks; which was ordered to lie on the table.

THE SPANISH TREATY.

Mr. FLOYD, of Virginia, submitted for consideration the following resolution:

"*Resolved,* That the President of the United States be requested to cause to be communicated to this House, if in his opinion consistent with the public good, whatsoever information he may possess relative to the extent of territory which the instructions of the Minister Plenipotentiary of His Catholic Majesty authorized him to cede to the United States in his negotiation with the Secretary of State, which resulted in the treaty of 22d February last; and likewise at what period he obtained that information."

Mr. F. said that he had been induced to submit this resolution to obtain the information required, as important upon a subject of great consequence to the nation at this time. It was predicated upon an expression in the letter of the Secretary of State to our Minister, bearing date the 18th of August, 1819, wherein he says: "It is too well known, and the Spanish Government dare not deny it, that Mr. Onís's last instructions authorized him to cede to the United States much more territory than he did." Now, sir, as the treaty has not been confirmed by Spain, and we are called upon to enforce the friendly stipulation of that treaty, it is peculiarly proper to have all the information which was possessed at the time of the negotiation.

In reply to an objection which was subsequently made to the resolve, that a call for that kind of information might have injurious consequences, Mr. F. said, certainly no injury can result, as the resolution does not require any thing to be communicated which it would be improper to divulge; but, if that information were improper to be made public, cannot the representatives of the people of the United States be intrusted with that transaction? For his part, he had consulted none, and thought the information necessary. Surely it could not be improper to communicate to this House, Mr. F. said, that which the Secretary of State had said the Spanish Government "dare not deny."

This motion gave rise to a short debate, in the course of which the adoption of it was opposed by MESSRS. LOWNDES, SERGEANT, HOLMES, TAYLOR, RHEA, and HILL, on the ground, generally, that the President had communicated to Congress, at the commencement of the session, on the subject

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of Spanish affairs, all the information which he deemed important to the public interest, and which, in his opinion, it was not inconsistent with that interest at present to communicate; that the conduct of negotiations having been given by the Constitution to the Executive, and also the authority to communicate to Congress, from time to time, information of the state of the Union, it was to be presumed the President had, in the performance of that duty, communicated all that was in his opinion proper to be communicated, respecting our relations with Spain; and that, as we have yet a Minister at Madrid, and matters were not finally adjusted with that Power, the disclosure of such particulars as were required, if made, might have a prejudicial effect on the questions pending between the two countries, &c.

The proposition was supported by the mover, and by Messrs. JOHNSON, of Virginia, and RANDOLPH, for the general reasons assigned by the mover, and for the reason, additionally, that the President had, by his communication to both Houses of Congress, at the commencement of the session, earnestly recommended the subject of the state of our affairs with Spain to the attention of Congress; and, indeed, expressly submitted to them whether or not the provisions of the treaty should be carried into effect independently of the consent of Spain, &c.

On suggestion of Mr. SERGEANT, the resolve was so amended, by consent of the mover, as to request the President, instead of instructing the Secretary of State, (as at first offered,) if in his opinion it should be expedient, to cause the required information to be laid before the House—the objection being to leaving a compliance with an order from the House discretionary with any officer of the Government subordinate to the highest in authority.

The question being taken on agreeing to the resolution thus amended, it was decided in the negative—ayes 67, noes 88.

THE MISSOURI QUESTION.

The order of the day on the Missouri bill being announced—

Mr. FOOT, of Connecticut, moved the postponement of the order of the day to this day week. His object was in the meantime to consider, in the hope of its adoption, a proposition for the prohibition of the further introduction of slavery west of the Mississippi. Should such a measure be adopted, the Territories in that quarter would be placed on the same footing as the ordinance of 1787 had placed the Northwestern Territory. The question now agitated in Congress might then, perhaps, be left to the good sense of the people of the States to be formed out of that Territory; and, should any question present itself on the subject of the admission of slavery into any such State, it might be left for the proper tribunal, the Supreme Court, to determine it.

The proposed postponement was opposed by Messrs. EDWARDS and LOWNDES, on the ground that it would only serve to procrastinate the interchange of opinions on the question now fairly be-

fore the House, which, whatever else was done, would certainly take place, and could not be prevented. Mr. EDWARDS was opposed to any prohibition whatever, of the nature proposed, or in the way of compromise.

The motion to postpone was negatived; and the House again resolved itself into a Committee of the Whole, (Mr. BALDWIN in the chair,) on the bill for authorizing the people of Missouri to form a constitution, &c.

Mr. TAYLOR's motion to amend the bill by imposing a restriction on slavery, being under consideration—

Mr. TAYLOR, of New York rose, and spoke as follows:

Mr. Chairman: The bill on your table proposes no act of ordinary legislation. No attribute of sovereignty is more important, than that which is exercised in the admission of new parties to the Federal Compact. It was reserved for America to exhibit, on an extensive scale, an example of independent States uniting for the general welfare, surrendering a part of their sovereignty to a new created Government, and authorizing it to constitute other States similar to themselves.

By the Articles of Confederation, the approbation of nine States out of thirteen was necessary to the admission of a new member. In the Convention that formed the Federal Constitution, the subject of admitting new States being under consideration, it was proposed that to such admission the consent of two-thirds of the members present in each House of Congress should be necessary, and it passed in the affirmative by the votes of all the States present, except Virginia and Maryland. No other question was taken on this single proposition, and why it was not finally incorporated into the Constitution does not appear. Congress and three-fourths of the States may change the Constitution—may establish principles and create powers, injurious to the rights of the other States. The period may arrive when the desire to obtain this Constitutional majority in support of some project of ambition, or avarice, may lead to the admission of States favorable to its accomplishment.

This bill acquires additional importance from the consideration that the Territory in question is no part of our ancient domain. The power of admitting new States into the Union, when adopted by the members of the good old Confederation, had to this Territory no more application than to Chili or Peru. It was a foreign province—alien to our laws, customs, and institutions. Its sustained none of the conflicts of our Revolution; it was purchased not by the blood of our fathers, but with the wealth of their sons. If we believe that, by a liberal construction of the Constitution, the power of admitting this Territory as a State is possessed by Congress, we remember also that politicians of no humble name have denied its existence; that an amendment to the Constitution, for the purpose of obtaining from the States a grant of the power now about to be exercised, was proposed in the United States' Senate, by a statesman eminently entitled to the confidence of this nation; that se-

rious doubts on this subject existed in the minds of those who then occupied in the Government its most distinguished stations—doubts, which were finally removed, as other doubts afterwards were, by considerations of imperious necessity.

The magnitude of this question is apparent, by casting your eye on a map of the Territory from which it is proposed to carve this State? Who knows its extent? Who has explored its boundaries? The waters of its rivers traverse a country of at least two thousand miles, before they reach the Mississippi. It probably contains more square miles than all the States of the Old Confederacy. The rule you now apply to Missouri, hereafter will be held applicable to the residue of the Territory. The fertility of its soil, the temperature and salubrity of its climate, its majestic rivers, its vegetable productions, its mineral wealth; all contribute to confirm our anticipations of its greatness. Under the guidance of a wise policy, it will doubtless exhibit, in future time, the fairest specimens of American character, and the most perfect models of free government. Cold, indeed, must be his heart who can contemplate without emotion the high destinies prepared for our posterity in this land of promise—secured to them without possibility of failure, if Congress shall be true to their interests and to our national principles. Probably this very question, certainly the determination of a few Congresses, will irrevocably decide, whether this Territory is indeed, as it has been pronounced on a former occasion, by a gentleman from Virginia, (Mr. RANDOLPH,) the most expensive acquisition made by the United States, or whether its purchase was the wisest expenditure of treasure ever made by any nation.

The importance of this bill is further enhanced by the unparalleled excitement it has produced in every section of the Union; an excitement occasioned not by the intrigues of political leaders, but arising from the intrinsic merits of the subject, and manifested by the spontaneous expression of public feeling.

These considerations, and many more which might be mentioned, dictate the propriety of conducting this discussion in that spirit of temperance and fraternal affection, which produced the adoption of our happy Constitution and has exalted this Union to its present elevation among the nations of the earth. For myself and for those who unite in support of the proposed amendment, I solemnly disclaim the existence of a feeling unfriendly to our brethren of the South. On what foundation can such a suspicion rest? The States most unanimous in support of this amendment are those whose attachment to the National Administration for the last nineteen years has been the most uniform. In all the contests of party strife which during that time have agitated the American family, we have zealously supported their principles and their men. We have stood side by side advocating the same system of national policy and maintaining the same creed of political faith. We have rejoiced in their fortunes and honored their valor. We still cherish towards them like sentiments of kindness and esteem.

We also disclaim any wish to alter the basis of compromise on which the Federal Constitution was founded. "The spirit of amity and mutual concession" displayed in its formation and adoption is equally essential to its preservation. The bond has been executed, and we will faithfully perform all its conditions; we yield, without grudging, to the slaveholding States all the political advantages, they have a right to demand. If the weight and influence of the South be increased by the representation of what they consider a part of their property, we do not wish to diminish them. The right by which this property is held is not derived from the Federal Constitution; we have neither inclination nor power to interfere with the laws of existing States in this particular. On the contrary, they have not only a right to reclaim their fugitives wherever found, but, in the event of "domestic violence," (which may God in his mercy forever avert!) the whole strength of the nation is bound to be exerted, if needful, in reducing it to subjection. While we recognise these obligations, and will never fail to perform them, we ask in return that a system of policy may not be pursued inevitably leading to the imposition of new and unreasonable burdens, which were never contemplated when the compromise was made.

We equally disclaim all desire to restrict the emigration of the South, or to deny to it an equal participation of territorial benefits. We bought the soil and sovereignty together. We paid for it, not "with the money of Virginia," but with the treasure of the Union. When we sell the soil every citizen has an equal right to purchase. The proceeds of sale belong to no State, but to the nation. The powers of sovereignty over the territory ought to be exercised, not on the principles of Virginia or Massachusetts, but upon those of the United States. Is this doctrine unreasonable? Does it justify the imputation charged upon its advocates by a gentleman of Virginia, (Mr. RANDOLPH,) that we consider the emigrants of the South "a degraded caste?" In what part of this country have such opinions been maintained? Truth answers, nowhere. Wherever emigrants from the South have settled, they have largely shared in the honors of their adopted States. Distinguished examples might easily be mentioned even in the old States. But in the new, in those especially north of the Ohio, where the principle of the amendment was early established, and has been faithfully maintained, what is the fact? Have Southern emigrants been there considered a degraded caste? Whence came their Governors, Judges, and Secretaries? Whence their present Senators and Representatives in Congress? Are not these States, and especially Indiana and Illinois, indebted, not only to the South, but chiefly to one section of the South, for a principal share of that talent and ability which now represent their wishes and interests in our national councils?

Mr. Chairman, cannot the amendment be supported upon principles very different in their character from those with which we are unjustly charged by its enemies? Is it difficult for those who admit slavery to be a malignant poison, to

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believe that we consider it essential to the prosperity of Missouri that this poison shall not be infused into her civil institutions? And are not we as much bound in our legislation to regard her welfare as if we were elected by her people? In exercising this trust, we ought to consider, not only her present, but her future advantage. The present generation is not alone, nor even principally interested in the question before us. If the age of States were limited to the period of human life, this subject would be comparatively of little importance. But when all the inhabitants who are now engaged in the business of the Territory shall sleep with their fathers, it scarcely will have commenced its political existence. The statesman whose views look not to the future, is unworthy the confidence of the American people. It depends upon us, in no small degree, whether fifty years hence, the counties of Missouri shall be cultivated like the garden of Pennsylvania, supporting a population of industrious freemen, and contributing largely to the national wealth, or whether they shall exhibit the cheerless spectacle presented to our view in the neighborhood of this District—whether her portionless sons shall hereafter become companions of plantation negroes, or the independent cultivators of their own fields. If improved lands be more valuable to a State than barren wastes; if a compact population be more valuable than that which is dispersed; if a population of freemen be better than hordes of slaves, we cannot hesitate in deciding what is required by the interest of the Territory.

Is not the amendment necessary also to the welfare of the middling class of emigrants throughout the Union? Can they flourish in a country of slaves? In civilized society, the persons engaged in mechanical arts constitute no inconsiderable portion of its members. But, if information derived from the old slaveholding States be credited, that class of their free population is constantly diminishing. Those arts have been taught to their slaves, who now perform the business in which free citizens were formerly employed. That part of society whose physical power requires to be strengthened, is thus diminished, and the mechanic is compelled to abandon his home, and search for employment in a distant land.

The admission of Missouri, without a restriction against slavery, is opposed by a majority of the States in the Union. These States, it is true, have parted with the power of legislating on the subject; but, ought not their judgment and wishes to be respected? In business partnerships, what would wisdom dictate in such a case? Although its managers or agents might have power to admit new members, would they be wise to exercise it in a manner hostile to the known opinions of a majority of those, both in number and amount, interested in the concern? What consequences would be likely to follow such proceedings, even if the managers should be able, by the means of votes thus acquired, to retain their places, and control the interests of the original partners? Could the concern flourish? Would not contention and distrust unavoidably ensue? And is har-

mony less desirable in a confederacy of States, than in the little concerns of mercantile profit?

The adoption of the amendment is necessary to retard the growth of that slaveholding spirit which appears to gain ground in the United States. Notwithstanding the exertions of abolition and colonization societies, in various parts of the Union, it is feared and believed that public sentiment in the West is becoming less unfriendly to slavery than it formerly was; no new State has been admitted into the Union since 1791, which has not established slavery by law, unless prohibited by Congress. Alabama, the last State admitted, has not left it to the regulation of law, but has protected it by a Constitutional provision. In 1792, when Kentucky was admitted, a powerful combination of talent and influence was exerted in favor of the gradual emancipation of her slaves. Who were then the zealous supporters of freedom in Kentucky? The history of their efforts and the cause of their failure, are well known to some honorable members of this Committee from that State. Unfortunately their efforts did not succeed. But, even an attempt to stop the progress of slavery in the West, though successful, was no small honor. It evinced an elevation of mind, a magnanimity of purpose, to which the citizens of no new State have since attained. Some old States have accomplished, for themselves, the objects of the Kentucky emancipators; but it has been done in latitude only where cotton could not be grown, and where the value of slaves was, on that account, comparatively small. The increase of a slaveholding spirit appears, not only from these facts, but also from the manner in which the ordinance of 1787 is treated, both in Congress and out of it. That ordinance was passed by the unanimous vote of all the States. I have the authority of an honorable Representative from Virginia, when I say, that its sixth article, which prohibits slavery, was proposed by a delegate of that State. Its enactment was then considered by all the States, as well slaveholding as non-slaveholding, not only within the legitimate powers of Congress, but especially recommended by considerations of public policy. Is this sentiment still maintained? No, sir, it is not; public journals, conducted under the patronage of high authority, denounce it; distinguished statesmen, in both Houses of Congress, proclaim it an instance of rank usurpation; and a Legislative Assembly of one State, at least, have threatened resistance if Congress shall apply the same principle to Missouri. It is not my purpose to declaim against these proceedings; I mention them only in proof of my proposition, that a slaveholding spirit is gaining ground in the Union.

But, however necessary the adoption of the amendment may be to promote the welfare of the Territory; however calculated to better the condition of mechanics and laborers; however essential to the preservation of existing State rights; and however much demanded to check the pervading influence of slaveholding principles, it ought not to be supported, unless in pursuance of some power clearly delegated to Congress. In my judgment, the power may be derived from

those grants in the Constitution which authorize Congress "to dispose of and make all needful rules and regulations respecting the territory of the United States;" "to admit new States into the Union;" and to make all laws necessary and proper to carry that power into effect; and, also, from the right of sovereignty over the Territory, acquired by the treaty with France, of April 30, 1803.

In regard to the first proposition, we observe, that much confusion and error has arisen, from representing Missouri as now entitled to the rights and prerogatives of a State. Nothing can be more deceptive than arguments founded on that hypothesis. Until it shall have formed a constitution, and that constitution shall have been sanctioned by Congress, and an act of admission passed, it remains a Territory. It is entitled to no Federal power. This bill proposes, on the conditions therein contained, to grant to the people of a Territory permission to do certain acts, which they now are unable to perform. The power exercised in fixing these conditions is, that of making rules and regulations respecting the Territory—it is legislation for the Territory. Several sections of the original bill, as reported by the delegate from Missouri, propose an exercise on the part of Congress of a sovereignty quite as extensive as that claimed by the amendment. The bill denies to the people of the Territory the privilege of determining the extent or boundaries of the proposed State. It establishes boundaries widely differing from those petitioned for by the Legislature of the Territory. It refuses to them an extensive tract of land which they ask to have incorporated into their limits, and gives them a tract which they do not want; and the privilege of admission into the Union is granted only on this condition, among others, that the Territory shall ratify the boundaries in the bill.

Neither the qualifications of electors to vote for the convention to form the constitution, nor the number of its members, nor the apportionment of them among the several counties, nor the time of holding the election, nor of the meeting of the convention, are confided to the determination of the Territory. Are not some of these regulations very important, calculated to have great influence on the character of the constitution to be formed? But all admit the right of Congress to establish them. Certain conditions are also prescribed, without assenting to which the Territory cannot be admitted as a State, and by assenting to which she will be deprived of powers enjoyed by other States. Among these are the following: "No tax shall be imposed on lands the property of the United States, and in no case shall non-resident proprietors be taxed higher than residents." The right to prescribe these conditions, is not denied.

But by what provision of the Constitution is that right conferred which does not equally apply to the amendment in question? The plain truth is, that a law authorizing the people of a territory to form a constitution and State government partakes of the nature of propositions to form with

them a treaty or compact. The citizens of Missouri have certain rights, of which Congress cannot deprive them. The following are examples: a right of protection in the free enjoyment of their liberty, property, and religion; a right of trial by jury; of the writ of habeas corpus; of freedom of speech and a free press; of petitioning Government for a redress of grievances; of keeping and bearing arms; of security in their persons, houses, papers, and effects, against unreasonable searches and seizures; and many more that might be mentioned. Possessing these rights, of which we cannot deprive them, they petition for a grant of others. In deciding on their application, we are bound to consider the subject in relation to the general welfare, embracing that of the particular territory. We grant the application upon specified conditions, not inconsistent with the principles of the Constitution. The people of the Territory examine these conditions and decide thereon; if approved, they ratify the treaty, and succeed to its advantages; if rejected, they continue in the enjoyment of all the rights previously possessed. We claim no authority to form a State government for Missouri, to compel her to accept it, and come into the Union, but we do claim the right, which has ever been exercised, of making her admission depend upon just and reasonable conditions, in the acceptance or rejection of which she acts with entire freedom.

Congress may admit new States into the Union. Congress also may declare war, and may borrow money. These acts are alike to be performed when required by the general welfare. The Constitution imposes upon Congress no obligation to admit new States. It permits none to demand admission. It authorizes no member of the Confederacy to require such admission. The President and Senate cannot, by treaty, admit a State into the Union; nor can they impose on Congress an obligation to do it. The admission of Louisiana, which was part of the same territory with Missouri, was not claimed as a matter of right; it was solicited as a favor. The propriety of imposing conditions was not questioned. It was then thought reasonable and Constitutional, too, that a political as well as every other society should prescribe the time, manner, and conditions of obtaining the privilege of membership. That the power of admitting new States and making the laws necessary and proper therefor, give the right for which we contend, according to the plain and natural interpretation of language, appears to me too evident to need further illustration.

By the treaty with France, Congress acquired "an incontestable title to the domain and possession of the ceded territory in full sovereignty, with all its rights and appurtenances." The only limitation on the exercise of this sovereignty, must be found in the Constitution. The sovereignty is general, but must be exerted in a manner consistent with the principles of our National Government. It, therefore, becomes important to ascertain what these principles are, in relation to the amendment on your table. In other words, is the power of holding slaves a federal right? In

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discussing this question, we ought carefully to distinguish between the principles of the United States' Government and those of particular States. The doctrines of New Hampshire and of Georgia in regard to slavery, are diametrically opposite, and cannot both be the doctrines of the United States. The Federal Government is as distinct from each of these, as they are from each other. All these rightfully exercise a limited sovereignty in their proper spheres. We further premise, that, in a confederacy like ours, the principles of a dominant State naturally acquire a currency and an artificial value from their connexion with honor and power. It is evident enough, that the United States' Government does not belong to Virginia, any more than to Ohio. It nevertheless may be quite Virginian. Indeed we were told, but a few days since, that we are indebted for the territory in question to the wisdom and to the cash of Virginia. [Mr. RANDOLPH rose and said, that if the gentleman from New York quoted him, he hoped he would not misquote him. He had used neither the word wisdom or cash.] Mr. TAYLOR replied, that words were only useful as a means of communicating ideas. The gentleman from Virginia may have used sagacity instead of wisdom, and treasure, wealth, or money, instead of cash. The gentleman from Virginia shakes his head. I cannot have mistaken the sentiment. His expressions, as usual, were very clear and distinct. But it is not material. The political sagacity of Virginia is unimpeached. She has manifested it in many respects, and in none more than in the ability she displays on this floor. She selects for Congress her ablest sons. She reposes in them a liberal confidence. While faithful to her interests, she continues them in her employment, thereby enabling them to honor the nation and serve the State. She instructs them not to waste their strength at home, in petty warfare, in scuffles for office, and in the gratification of private resentments. She points to the prize of high ambition, and bids them secure it. They obey her mandate. If they stumble, she upholds them. If they fall, she raises them. If they wander, she reclaims them. She publishes their virtues, and covers their errors with a mantle of charity. How unlike is Virginia in all these respects, to some of her sisters! She has set before them an example, which, failing to imitate, their complaints of her influence will remain unavailing. And, is there less danger that the principles of Virginia, in regard to slavery, will acquire popularity, and ultimately pass for those of the nation, because she is wise in her policy and maintains her consequence in every department of your Government? But let us examine what are the principles on which the United States Government is founded. Do they justify slavery? I answer, they do not. Congress, within its sovereignty, has constantly endeavored to prevent the extension of slavery, and has maintained the doctrine "that all men are born equally free." But has disclaimed, and continues to disclaim, any right to enforce this doctrine upon State sovereignties.

The first truth declared by this nation, at the

era of its independence, was, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

Are we willing to pronounce this declaration, for the support of which the Fathers of our Revolution pledged their lives and fortunes, a flagrant falsehood? Was this declaration a solemn mockery? Did such men as Jefferson, Adams, Franklin, Sherman, and Livingston, proclaim to the world, as self-evident truth, doctrines they did not believe? Did they lay the foundation of this infant Republic in fraud and hypocrisy? The supposition is incredible. These men composed the committee which reported the Declaration of Independence. Four of them were delegates from Massachusetts, Pennsylvania, Connecticut and New York. They expressed the opinions of the States they represented. The sentiments of their chairman on this interesting subject are not contained in the declaration alone. If further evidence be required as to his opinions, it is abundantly furnished in his "Notes on Virginia." His denunciation of slavery is there expressed in language too distinct to be misunderstood. Its injustice is portrayed in glowing colors, and its evils described with irresistible eloquence. While books are read, or truth revered, his sentiments on this subject will insure to their author unfading honor.

In 1784, Virginia ceded to the United States her right and title to the Northwest Territory, on condition "that the States there to be formed should be admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States." In July, 1787, an ordinance was passed for the government of the Territory, by the unanimous vote of all the States, of which the following is an extract:

"And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis for all laws, constitutions, and governments, which, forever hereafter, shall be formed in the said Territory; to provide, also, for the establishment of States and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest: It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent, to wit:—"

"ARTICLE 6. There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

This ordinance was passed for the government, not of a part, but of every foot of the territories of

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the United States; not extorted by compromise, and considered a hard bargain, but expressive of the spirit of freedom which then prevailed. It is an imperishable monument of glory and renown to its framers. They sacrificed prejudice on the altar of country. Avarice found no place in their bosoms. Disinterested and magnanimous were their acts, and the blessings of posterity will enshrine their memories. Their names will be engraved on columns of marble, and preserved in the legislative hall of every State northwest of the Ohio. No American statesman was then found hardy enough to maintain the anti-republican doctrine that man cannot be free without possessing a power to enslave his fellow-man.

This ordinance is important, also, in another respect. It shows that, in 1787, Virginia did not consider that the States to which its sixth article should be applied, would be deprived of the same rights of sovereignty, freedom, and independence, as the other States." The amendment on your table is copied from that article, and a proviso added to prevent its application to persons now held to service in the Territory. The date, also, of this ordinance is worthy of remark. It was passed in July. The convention which formed the Federal Constitution was then in session. The members had the ordinance before them. They saw the rules and regulations which Congress had established for the government of all the territory of the United States. Judging thereby, they could not have thought it necessary to guard against the extension of slavery by a Constitutional prohibition. They, therefore, two months after the passage of the ordinance, confide to Congress an unlimited power of making "all needful rules and regulations respecting the territory of the United States."

The ordinance also illustrates the import of the following clause in the Constitution :

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808 ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

This provision has given great trouble to the opponents of restriction on slavery. The extraordinary constructions to which they have resorted furnish of this fact conclusive evidence. That migration and importation do not mean the same thing is evident, because a tax may be imposed on the latter, but not on the former. Importation implies the bringing into this country from abroad, either by land or by water ; migration, the moving within it from one State or Territory to another. This moving may be either voluntary or by constraint. It applies to all subjects capable of locomotion. Slaves may be said to migrate or move with their masters, as well as soldiers with their officers. The word *migration* was not intended to apply to citizens, because the Constitution declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." It, therefore, must have related to a class of population who were not citi-

zens. A more particular designation cannot be necessary. The power of Congress to prohibit the moving of "such persons" into Territories and into States which did not think proper to admit them has never been denied, and, in fact, was rightfully exercised before the year 1808. Some of the instances shall be pointed out before I sit down.

The Constitutional provision which requires that persons held to service or labor in one State, and escaping into another, shall be delivered up, gives no sanction to slavery. That provision would have been proper to protect the rights of masters over their apprentices and bound servants, even if slavery did not exist. The Constitution was formed, among other objects, for the purpose of "insuring domestic tranquillity." No power to interfere with the laws of an existing State, on the subject of slavery, having been granted to Congress, all interference is denied to other States.

In 1789, the first Congress met under the Constitution, and passed a law recognising the ordinance of 1787.

In 1790, North Carolina ceded to the United States that part of her territory which now composes the State of Tennessee. Knowing the principles of the United States Government to be hostile to slavery, she made the grant upon express condition, "that no regulation made or to be made by Congress should tend to emancipate slaves." Does not this condition most clearly show, not only what North Carolina thought in regard to the power of Congress in this particular, but also of the manner in which that power would probably be exercised unless restrained by positive stipulation? It would even seem to have been considered, by the words of the condition, that its introduction was necessary to prevent the then existing laws of the Union attaching to the ceded territory, and liberating the slaves therein.

In 1774, fourteen years before Congress had power to prohibit the importation of foreign slaves into such States of the Union as chose to admit them, an act was passed to prohibit carrying on the slave trade to any foreign place or country. By this act it was declared, "that no citizen or citizens of the United States, or foreigner, or any other person coming into or residing within the same, shall, for himself or any other person whomsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel within any port or place of the United States; nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country, or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves." This act was enforced by very severe penalties. Under its operation the extraordinary spectacle was exhibited, of the United States Government inflicting exemplary punishment on its citizens for transporting slaves from Africa to Cuba, but allowing, as lawful commerce,

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their transportation from Africa to South Carolina. Congress had power to prohibit the former, and it was exercised. No power existed to prohibit the latter, because the States reserved to themselves this branch of sovereignty until 1808. We saw and deplored the evil, but our hands were tied. It was not suffered to exist a single day after the power of preventing it accrued. Congress enforced the principle of this Government, and manifested its devotion to the rights of man, by passing the act of 1794. If slavery be sanctioned by these principles, why was that act passed? It proscribed a profitable commerce; it dried up one source of national wealth, and was unfriendly to the navigating interest. By that commerce no new slaves were introduced into the States; they were carried to foreign countries, where their importation was sanctioned by law, and thereby the balance of trade was rendered more favorable to the United States. Worldly wisdom urged much in its favor; yet, such was our condemnation of this accursed traffic—so hostile to our national principles was it considered to make merchandise of men, that the law was passed with very great unanimity.

In 1798, the Mississippi Territory was claimed by the United States as well as by Georgia. If it belonged to the latter, the power of Congress could not be exerted against the importation of slaves, until after the expiration of ten years; but, such was the solicitude of this Government to prevent the extension of slavery, that an act was then passed, declaring "that any slave imported into the Territory, from without the limits of the United States, should thereupon be entitled to, and receive his or her freedom."

In 1802, Congress further enforced the law against the slave trade, by severe penalties, and recognised the prohibitory acts of particular States.

In 1803, Georgia ceded to the United States the Mississippi Territory, and, to prevent the application to it of the United States principles in regard to slavery, the articles of agreement and cession, which provided that the ceded territory should form a State, and be admitted into the Union on the conditions of the ordinance of 1787, expressly excepted that article which forbids slavery.

In 1803, Louisiana, including the Territory of Missouri, was purchased from France. The third is the only article of the treaty relating to the subject before us. It consists of three parts; first, "the inhabitants of the ceded territory shall be incorporated into the union of the United States." This provision was to be executed immediately. It extended to all the inhabitants, wherever resident, and depended on no contingency. Without it they might have continued aliens, and have been treated like the inhabitants of a conquered province. The obligation imposed by this clause was discharged by Congress in passing the act of 1804, erecting Louisiana into two territories, and providing for the temporary government thereof. By this act they were incorporated into the Union, and the laws of the United States were extended to them; they became part of the American family, subject to its rules and regulations, and bound

to obey its authority. Their allegiance was transferred from France to the United States; they were obligated to support our Constitution and obey our laws; they necessarily acquired some new privileges, and lost some formerly enjoyed; for example, they lost the privilege of employing ships in the slave trade—of buying foreign slaves—of punishing heresy, and, in short, of being governed by the colonial laws of France; and they acquired the privilege of being governed by the American Congress on principles of freedom. These consequences necessarily followed their incorporation into the Union.

The second clause is contingent, and requires that the inhabitants "shall be admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." The subject-matter of this clause is *inhabitants*, not *territory*. In all the cessions of territory previously acquired by Congress, a provision had been inserted in the compacts, "that the territory should be formed into a State or States." These compacts had been made by Congress, which had power to admit new States into the Union. But this treaty was made by the President and Senate, who had no such power. It was doubted by many whether, according to the principles of the Federal Constitution, new States could be erected in this territory; and it was uncertain whether the existing States would so amend the Constitution as to confer the power. But if Congress had the power, it was uncertain when, and on what conditions, they would think proper to exercise it; and, until the general welfare of the United States should, in the opinion of Congress, require its exercise, it was not possible for them to be admitted. Moreover, the rights, advantages, and immunities, to the enjoyment of which they are to be admitted, are those of citizens of the United States. The power of holding slaves is no right, advantage, or immunity, arising from United States citizenship. Whatever those rights are, they must be uniform; that is, United States citizenship confers the same rights in New Hampshire as in Kentucky. If in Kentucky it gives the power of holding slaves, by virtue of it a citizen of the United States may hold slaves in New Hampshire. The error is in confounding the rights of United States citizenship with those arising under the laws of Kentucky. By the latter an authority to hold slaves exists; by the former it does not. The rights of United States citizenship are founded on the Constitution; they are paramount to, and cannot be taken away or affected by State laws. But the right of holding slaves may be taken away by State laws; therefore it is not a right of United States citizenship, and consequently was not guaranteed to the inhabitants of this territory by treaty.

The inhabitants had no right to calculate on a power of holding slaves. Neither the principles of the Constitution, nor the practice of the Government, justified that expectation. Congress had allowed slavery to exist in no territory where its allowance had not been made, by the State ceding

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it, an express condition of the cession. These inhabitants could not reasonably expect greater rights than were enjoyed by those of the original territory of the United States. They were authorized to expect the privilege of self-government, in the same manner as it had been granted to them; but, like them, they were subject to the determination of Congress as to time, manner, boundaries, and every other condition. The third clause of the article provides "that the inhabitants, in the meantime, shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." Without stopping to inquire into the general signification of the word *property*, I take it for granted that it does not include the future generations of men who may be born in the territory; and the condition of those now held to service will not be changed by agreeing to the amendment. With this single remark, I proceed to observe, that the free enjoyment of property cannot mean an absolute right to use it without control; nor, that the control shall be exercised in the same manner and degree that it had been under the former government. If this were its meaning, and the treaty be considered in the nature of a charter of rights to the inhabitants, they may at this time rightfully carry on the slave trade, and do many other acts prohibited by law. But the right granted freely to enjoy their liberty, property, and religion, only requires that they shall be protected by the Constitution and laws of the United States, in the same manner as the liberty, property, and religion of other citizens, similarly situated, are protected. It is a protection according to the principles of this, and not of a foreign Government.

The act of 1804, to which I have already adverted, strongly illustrates the solicitude of Congress to prohibit the extension of slavery even in the Orleans territory. It forbade the introduction, first, of all foreign slaves; secondly, of all slaves brought into the United States after May 1, 1798, or thereafter to be imported; thirdly, of all other slaves, except by citizens of the United States, removing into the territory for actual settlement, and bona fide owning such slaves. All slaves brought into the territory of Orleans, contrary to these provisions, were entitled to freedom, and penalties were imposed on the importers. Congress could not endure the idea that even New Orleans should become a market for the sale of human flesh.

The residue of Louisiana was placed under the government of the Governor and Judges of Indiana, where slavery was forever prohibited by the ordinance of 1787. It was believed that these officers would apply to Missouri the same principles of government on which they were bound to administer that of Indiana. Unhappily for Missouri, these gentlemen entertained different views, and suffered the evil to increase, without an effort to retard it. The subsequent acts in regard to this Territory, are of so recent a date, that it is unnecessary to detail their provisions.

The contests of party at home, and the great national questions in which we were soon involved

with foreign Governments, drew the attention of Congress from this particular subject. It now is brought forward at a time when political animosities have in a good degree subsided, and every circumstance is favorable to its just decision.

The States of Ohio, Indiana, and Illinois, were admitted into the Union in 1802, 1816, and 1818, and the restriction against slavery was applied, without opposition, to all of them. They formed their constitutions accordingly, and are now reaping the rich reward of civil as well as political freedom.

The slave trade was abolished by act of 1807, to take effect on the first day of January, 1808, being the earliest day on which Congress could exercise that power.

In this manner Congress has respected the rights of man, and has endeavored, in pursuance of the principles of the United States Government, to limit the extension of slavery as much as possible.

Many important considerations relating to the general welfare are intimately connected with this subject. To a few of these I shall briefly advert. The defence of our country emphatically rests on its militia force. A slave population contributes nothing to this force, and occupies the place which otherwise would be filled by a brave and hardy yeomanry. In detailing militia from the several States for the public service, the quota of each is ascertained, not by its political power or representation in Congress, but by its militia returns. War may be made by the representatives of a minority of those who are obliged to risk their lives in its support. This is a departure from that principle of the Constitution which establishes a proportion between political power and contribution to public burdens; a departure which, in operation, has been found very unequal, but of which we do not complain in relation to existing States. It is one condition of the compact between us, and we are willing to fulfil it; but we are not willing to aggravate the inequality.

By the extension of slavery the contribution of money, as well as of men, is rendered more unfavorable to the non-slaveholding States. If our revenues were raised by direct taxation, the inequality would not be very great. But, of the millions which have passed through the United States Treasury, how small a portion has been derived from that source! Nearly the whole amount has been levied by duties on importation. We have paid it in the price of our coffee, tea, sugar, and almost every other article of foreign merchandise. These articles are extensively used, and many of them considered necessities of life by all classes of citizens in the non-slaveholding States, while their consumption is very limited among slaves. We have no reason to believe that the present revenue system will soon be superseded by that of direct taxation; and, while it continues, our contribution to the public Treasury will ever remain greatly disproportionate to our political power in the Federal Government.

I have no desire to magnify the danger of insurrection in the slaveholding States. I hope it no where exists, or, at most, in a very limited degree.

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Information derived from honorable members of this Committee confirm my belief that such is generally the case. I have listened with pleasure to the recital of examples of the unconquerable attachment, fidelity, and devotion of slaves to their masters. Some of these instances have evinced a magnanimity which would have done honor to the best days of chivalric heroism. They are alike honorable to master and slave. But these examples are of rare occurrence. That some danger exists, is not denied; it is admitted by all. Whatever it may be, I am unwilling to entail it upon the inhabitants of the West, and with it the obligation of protecting them against "domestic violence."

The strength of this nation chiefly consists in its moral power. The foundation of this is laid in the intelligence and virtue of the people. A wise Administration will always, and especially in perilous times, receive the support of such a people. As difficulties thicken, and dangers threaten, they will put forth their strength. Being capable of understanding the necessity of great sacrifices, they will make them with cheerfulness, and will march to victory. But this moral power of a nation does not consist solely nor chiefly in the distinguished science of her favored sons—the rich and noble few—but in the information and integrity of her yeomanry, her farmers, mechanics, and laborers. These, in a Government like ours, possess as well the moral power as the bone and sinew of the country. If a large portion of these be slaves, that power is not only impaired, but physical debility occupies its place.

The peculiar situation of this Territory requires it to become a strong frontier. Lying in the vicinity of numerous and powerful tribes of Indians, approaching the neighborhood of a country which soon may become a rich and jealous rival, we ought not to weaken it with a slave population.

The representation in Congress allowed for slaves, as I have before said, was matter of compromise. The extent of this concession was supposed to be seen and clearly understood. It was believed that it could not be carried beyond the then existing States, and, possibly, to the territory in dispute between the United States and Georgia. It did not apply to foreign territory. If you can claim it as incident to the power of admitting new States, you may stretch the principle to I know not what length. The words of the Constitution may not be violated, but its spirit will be disregarded. No express power is granted to Congress to acquire territory. If it exists at all it is by implication. Thus, on the implied power to acquire territory by treaty, you raise an implied right to erect it into States, and imply a compromise by which slavery is to be established, and its slaves represented in Congress. Is this just? Is it fair? Where will it end? Must we allow representation not only to French and Spanish slaves bought with the Territory in question, but to African slaves smuggled into it in violation of law? But your lust of acquiring is not yet satiated. You must have the Floridas. Your ambition rises. You covet Cuba, and obtain it. You stretch your

arms to the other islands in the Gulf of Mexico, and they become yours. Are the millions of slaves inhabiting these countries, too, to be incorporated into the Union and represented in Congress? Are the freemen of the old States to become the slaves of the representatives of foreign slaves? The majority may be in your hands. You may have the power to pass such laws, but beware how you use it. Remember by whom, and for whom, this Government was established. "We, the people of the United States," made it to secure our liberty and promote our welfare. True, sir, it is not every violation of the Constitution that will justify extreme measures. Our Union may be compared to a commercial partnership. Some omissions of duty and acts of unkindness may be forgiven; many errors of judgment may be overlooked and forgotten; but, if there be a transgression which in its very nature is beyond forgiveness, and requires resistance, it consists in admitting into the concern new and unexpected partners, in such manner as to change the principles of the partnership itself, and destroy the rights of the original owners.

We are bound by oath to support the Constitution of the United States. The duty imposed is to uphold, not to impair and weaken it. Our obligation is as solemn to maintain the powers confided to this Government, as to forbear the exercise of those which belong to others. The amendment on your table opposes no State right. Gentlemen require us to admit that Missouri is a State, and then demonstrate quite clearly that we ought not to interfere with her municipal regulations. That Missouri, at some period, will become a State in this Union, I have no doubt; but that she will ever be admitted by an American Congress without recognising "the fundamental principles of civil and religious liberty," I cannot believe. Possessing, as we do, both a moral and Constitutional right to require of Missouri a provision against slavery, as a condition of her admission, if we fail to exert it, we shall justly incur the reproach of our cotemporaries, and the malediction of posterity.

When Mr. TAYLOR had concluded—

Mr. HOLMES, of Massachusetts, rose, and spoke as follows: Mr. Chairman, when a man is fallen into distress, his neighbors surround him to offer relief. Some, by an attempt at condolence, increase the grief which they would assuage; others, by administering remedies, inflame the disorder; while others, affecting all the solicitude of both, actually wish him dead. It is so with Liberty. Always in danger—often in distress—she not only suffers from open and secret foes, but officious and unskilful friends. And among the thousands and millions that throng her temple from curiosity, fashion, or policy, how few—very few—there are, who are her sincere, faithful, and intelligent worshippers?

Among these few, I trust, are to be found all the advocates for restriction in this House. And I readily admit that most of those out of doors, whose zeal is excited on this occasion, are of the same description. But, is it not probable that there are

some jugglers behind the screen who are playing a deeper game—who are combining to rally under this standard, as the last resort, the forlorn hope of an expiring party?

But, while we admit this in behalf of the respectable gentlemen who advocate the restriction of slavery in Missouri, we ask, may we demand of them the same liberality? We are not the advocates or the abettors of slavery. For one, sir, I would rejoice if there was not a slave on earth. Liberty is the object of my love—my adoration. I would extend its blessings to every human being. But, though my feelings are strong for the abolition of slavery, they are yet stronger for the Constitution of my country. And, if I am reduced to the sad alternative to tolerate the holding of slaves in Missouri, or violate the Constitution of my country, I will not admit a doubt to cloud my choice. Sir, of what benefit would be abolition, if at a sacrifice of your Constitution? Where would be the guaranty of the liberty which you grant? Liberty has a temple here, and it is the only one which remains. Destroy this, and she must flee—she must retire among the brutes of the wilderness—to mourn and lament the misery and folly of man.

The proposition for the consideration of the Committee is to abolish slavery in Missouri, as a condition of her admission into the Union.

This Constitution which I hold in my hand I am sworn to support, not according to legislative or judicial exposition, but as I shall understand it; not as private interest or public zeal may urge, but as I shall believe; not as I may wish it, but as it is.

I have carefully examined this Constitution, and I can find no such power. I have looked it through, and I am certain it is not in the book. This power is not express, and, if given at all, it must be constructive. This amplifying power by construction is dangerous, and will, not improbably, effect the eventual destruction of the Constitution. That there are resulting or implied powers, I am not disposed to deny; but they are only where the powers are subordinate and the implication necessary. All powers not granted are prohibited, is a maxim to which we cannot too religiously adhere.

Let us then proceed, with that candor and caution which the subject demands, to examine the nature of this power, and ascertain whether it is given in the Constitution of the United States.

The extraordinary doctrines which have been advanced on this subject in and out of doors render it necessary to be exceedingly particular, and carefully to examine the ground as we advance. An American politician would scarcely have deemed it necessary to prove, at this day, that to regulate the relation between the different members of a community is an attribute of sovereign power. That I may not be mistaken, I will inform the Committee what I intend by *sovereign power*, and the sense in which I purpose to use it in this discussion. It is the power of making and executing laws to regulate the conduct and condition of men. It is more or less absolute as it is limited and defined, or unlimited and undefined. In the origin of government, if we can conceive such a

period, the rights vested in the sovereign by the community necessarily included the power to determine the mutual dependence of the several members. The community had a right to control and establish it themselves, or delegate it to the sovereign. In either way they could establish a difference of dependence of one man upon another. The nearer equal this dependence, however, the more perfect the government. Yet, sovereign power can establish such a dependence as that of the slave on his master.

This was done in all these colonies before the Revolution. The sovereign power over them was compounded of that of the Crown and of the Provincial Legislatures, which was derived from the Crown. These charters granted, with the concurrence of the Crown, to the Provincial Assemblies, the power to regulate the relation and dependence of the different members of the community, and they exercised it. They authorized the importing and holding slaves. British law, by which we were governed, established slavery in the colonies, and it existed in each of them up to the Revolution.

Then, did the Revolution alter the relation? We have been made to understand, from very respectable authority, that the Declaration of Independence proclaimed freedom to every slave in the United States! It seems, then, that all the slaves have been free in fact for more than forty years, and they do not know it. And we are gravely legislating to perform that which was most effectually performed in 1776. Why attempt to do what is already done? Why create all this excitement if we have no slaves? Humanity might, perhaps, require that we should pass a declaratory act, to give notice to two millions of people, that, by applying to the Supreme Court, they can be relieved from their thralldom.

But, sir, if all relation in society were abolished by the event of the Revolution, then, I suppose, that man was reduced, or, if you please, restored to a state of nature. All government was at an end—might was right—and all conventional laws ceased. If this is, indeed, the case, whence did these few individuals, calling themselves a Congress, derive their authority? If the Revolution abolished all civil relations, the State Legislatures could not legally exist; and the members of Congress were men of assumed powers, and their Declaration of Independence was a very *officious*, instead of an *official* act. But, after letting man loose into the wilderness of nature, how do you bring him back? Why, I suppose, by the same imaginary process by which you sent him there. We must suppose, with some visionary writers on the laws of nations, that all the people assembled in some vast plain, and there men, women, and children, small and great, black and white, determined that a very small minority should be electors, and that these should elect a still smaller number, to be constitution-makers, legislators, governors, judges, and other officers; and that, after this imaginary process, this political death and resurrection, the colonies became sovereign States, purified from the pollution of slavery.

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Mr. Chairman, I should not have noticed this strange and ridiculous vision, that the Declaration of Independence was a decree of universal emancipation, had it not issued from respectable sources, and been seriously enforced upon the credulity of the public. Instead of attempting to answer or refute these visions of a disturbed imagination, let us recur to principles and facts. The people of this country were never without government and law. From the first settlement of the country there never was an interregnum, a state of anarchy. Even the case of the pilgrims who landed at Plymouth, beyond the limits of their charter, is not an exception, for they (I believe before they landed) formed a convention of government, one of the articles of which was, that they would be governed by the laws of God until they could make better of their own.

At the Revolution, the rights of the Crown vested in the States, and they succeeded to all the sovereign power, which, until then, belonged to the provinces and the mother country. There was no suspension or death of political power. Property was retained by the owner, laws continued to have force, and sovereign power was transferred to the States, and vested temporarily in their Legislatures, until a more permanent government could be established, originating from, and effected by, this temporary power. The doctrine that the Revolution is not the origin, but the perfection of the State governments, and that the States are the successors as well of the Crown as the Colonies, has been so long and so well established, that it is considered the foundation not only of political power, but of private right. This political power existing, and having been exercised up to the Revolution, was not thereby extinguished. This also agrees with fact. Those States which were disposed to liberate their slaves did not consider it as already effected by the Revolution, but found it necessary to do it by some constitutional or legislative act. Consequently, this political or sovereign power existed after the Revolution. And, as there was no diminution of sovereign power from that time up to the adoption of the Federal Constitution, it existed up to that time. Did the Constitution of itself take it from the States? There is no such prohibition upon the States, either express or implied. Moreover, the Constitution recognises and confirms the right. The second section of the first article admits it expressly, and makes it the basis of representation, and apports the first House of Representatives on this basis. The third section of the fourth article inhibits a State from protecting or liberating fugitive slaves from other States, and compels it to deliver them up. The Constitution, so far from destroying, establishes this power in a State.

I come now to the power of Congress. And my first proposition is, that Congress cannot restrict a State which was party to the compact in the exercise of a political power not surrendered by the Constitution. This is a political axiom which scarcely admits of proof or illustration. The tenth article of the amendment preserves every power not surrendered. If it did not, and

Congress could take, they might another, until the States were robbed of every attribute of sovereignty. Remark, sir, that I confine the proposition to existing States. I am disposed to do one thing at a time; this is enough for my present purpose. If this principle is established, and it appears to establish itself, I proceed to my second proposition, that the power to restrict an existing State, in the admission or rejection of slavery, is not surrendered to Congress by the Constitution.

And here, sir, I cannot but notice the confusion that exists in the ranks of the advocates of restriction. Two gentlemen have addressed the Committee, one before, and the other since the proposition was made. Instead of presenting us with one single precept, one source of this power, they have presented six! From that of laying and collecting taxes, &c., regulating commerce, prohibiting migration and importation, admitting new States, governing territories, and making treaties! And, what is singularly unfortunate, the gentlemen agree only in one of the six, and that the most exceptionable and least plausible of the whole. These are all disconnected and distinct, and this power can be derived from only one of them. The gentlemen serve us up six different and very indifferent dishes, and offer us our choice. We demand of them the power—the true genuine coin, and no counterfeit. They present us six pieces, five of which are unquestionably base, and tell us they all look so much alike that they cannot distinguish, and we must select for ourselves. What should we answer? Precisely what we do: we will take neither, for we believe them all counterfeit. This is not the whole. The memorialists, and others abroad, have furnished some ten or a dozen more sources of this power.

A lawyer once attempted to apologize to the court for the absence of a juror. He said he had fifteen reasons, and the first was that the man was dead. As the first was sufficient, the court dispensed with the other fourteen. These gentlemen are not so fortunate. They have the fifteen reasons, but one of them only can be good, and the misfortune is, they don't know which that is. The truth is, these gentlemen have commenced their business at the wrong end. Instead of ascertaining their power, and then proceeding to execute it, they begin the work, and are forced to leave it, to go in search of the power, with a total uncertainty, when they have found it, whether they shall know it or not.

The most extravagant of all claims, is that made by the honorable member from Ohio, (Mr. BRUSH,) under the clause in the Constitution, which empowers Congress "to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States." From this single clause, the gentleman derives three distinct powers; of taxes, of providing for the common defence, and general welfare. Sir, the last upon his construction swallows up all the rest, and with that, in the same section, "to make all laws necessary and proper to carry this

power into execution," it will not only absorb all other powers, but break down, destroy and overwhelm all prohibitions and restraints. Give Congress this, and it is enough. Their powers are greater than those of any despot in the world. Despots hold their power by a precarious tenure, but we hold ours by an unlimited absolute grant from the people. With this commission in our hands, we go forth and preach deliverance to the captives, or slavery to the free. We can pass decrees of universal emancipation, or universal slavery. All power is committed to our hands; we can build and pull down; we can create, and we can destroy.

Man, clothed with a little and very brief authority, is apt to imagine he is very potent—and to think it necessary, that, often, his powers should be extended for the good of the people. His zeal to do good will not unfrequently induce him to break down constitutional barriers and thereby enable others to do evil. The framers of the Constitution were aware of this, and took care to establish the boundaries of power by such marked, distinct, and palpable lines, that no one could mistake them. And they had good reason to believe that no one could misunderstand this clause—"To lay and collect taxes," &c., this is the power—"to pay the debts and provide for the common defence and general welfare,"—this is the object. "But all duties," &c. shall be uniform"—this is the restriction. As if they had said "Congress shall have power to lay and collect taxes, for the purposes of paying the debts, providing for the common defence and general welfare, taking care that these taxes shall be uniform." I am disposed to treat every part of this discussion with becoming gravity; but, really, sir, when an attempt is made to deprive a State of a political power under this clause in the Constitution, it provokes a smile which it is difficult to suppress.

The gentleman from Ohio, not satisfied with his "general welfare," attempts to derive this power from that to "regulate commerce." He assumes that, under the power to regulate commerce between the several States, Congress can prohibit a transfer of slaves from one State to another, and concludes, by what process I do not know, that therefore Congress have a right to abolish slavery in Missouri.

How comes it that Congress can prohibit a transfer of a slave from one State to another, and under this power to regulate commerce, when they are expressly forbidden to compel a vessel bound from one State to enter, clear, or pay duties, in that of another? If Congress has this power under this clause in the Constitution, then slaves are to be prohibited as commerce. And, sir, where is the authority to prohibit the transfer of an article of commerce from State to State? A man leaves a State to go into another with his family, slaves, cattle, and implements of husbandry, to clear up and cultivate a farm or plantation. His object is exclusively agricultural. He is met at the line by a law of Congress, and his slaves are stopped under the authority to regulate commerce! When, under this power, you shall have succeeded in prov-

ing the extravagant and untenable position that Congress can prohibit this transfer, how do you arrive at the conclusion, that you can pass this act of abolition which the amendment proposes? If you can prohibit the removal of an article of property, from State to State, does it follow that you can extinguish the right of the owner? Here are two powers grown out of that to regulate commerce. And, preserve your gravity while I repeat, one of them is to prohibit a transfer of slaves from State to State, and the other to abolish slavery in Missouri, as a condition of her admission into the Union.

Not satisfied with these sources of the power, the gentleman from Ohio resorts to the 9th section, 1st article, which the gentleman from New York (Mr. TAYLOR) denominates "troublesome." It is indeed troublesome to the advocates of restriction, so troublesome that, I trust, they might much better have let it alone. This clause of the Constitution, reads thus: "The migration or importation of such persons, as any of the States now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars." The advocates of this power assume, that "migration" means a transfer from State to State, and "persons" means slaves, and that a temporary prohibition on the existing States implies an immediate grant as to the residue, and a subsequent grant as to these; and, thus having taken for granted every thing that is disputed, they proceed to prove their point, and even with these assumptions they totally fail. Admit their premises, and how do they arrive at their conclusion? Surely, it can mean nothing more than that Congress may prohibit the transfer of slaves to or from Missouri. What has this to do with a proposition to prohibit the existence of slavery in a State? Give the gentlemen all they ask, and it is not enough for their purpose. Give them the length of their tether, and it is too short. Their own reasoning, with all these admissions in their favor, will not reach their case. They must go further—introduce that very convenient succedaneum, the power to make all laws necessary and proper to carry this power into execution, and, as it might be impossible to prohibit these transfers, without abolishing slavery, this may be the necessary means to effect the end. But I trust gentlemen would hesitate, before they would proceed thus far. The argument might operate as a two-edged sword. If the word persons may mean slaves, it may mean free persons; and if "migrate" authorizes the prohibition of transfer from State to State, Congress might be induced to exercise this power. And, as abolishing slavery might be the necessary means to accomplish one purpose, so the abolition of liberty might be quite as necessary to accomplish the other. I trust, the advocates of restriction, with all their humanity, would scarcely relish such a result, although I fear their measures have a strong tendency to produce it.

But, sir, if you have this power at all, or to any extent, it is a legislative power. You can exercise

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it by the ordinary process of legislation. Why proceed in this indiscreet, suspicious manner, as though you were doubtful of your own powers, and take this method to extort from Missouri her consent? Bring in your bill in the ordinary way, and legislate if you can; and, if not, give it up. Abandon this hesitating, doubting, equivocal, policy. And pray, sir, why, even in ordinary legislation, select Missouri for your object? If you can by this clause of the Constitution shut up slaves in the States, let your legislation be general, and exercise it upon all the slaveholding States. Why make Missouri the scape-goat? Bring in your bill, and we will inquire, first, whether you have the power; and, second, if it be expedient. And, in order to try the extent and strength of this clause, insert a section to prohibit the transfer of free persons from one State to another. Some might deem it expedient to compel people to stay at home and attend to their concerns. We shall then have the whole subject properly before us.

There seemed to be some doubt as to the meaning of this ninth section of the first article of the Constitution. I believe I entertained an opinion last session, which I then expressed, that migration and importation related wholly to slaves; the former to bringing by land, and the latter by water. I was led to this by the circumstance that the taxation was confined to importation—presuming that the difficulty of taxation, in case of bringing by land, was the reason why "migration" was dropped in the latter part of the clause. Although this construction is better than theirs, I am satisfied it is not the best. The error consists in using the words very differently from their common and ordinary import. Take the sentence as it is, and it is plain enough—"the migration or importation of such persons as the existing States shall see cause to admit, shall not be prohibited," &c. "Persons" means slaves, when applied to importation, and free persons, when applied to migration. The former implies constraint, and excludes volition; the latter implies volition, and excludes constraint. Importation is bringing either by land or water; migration is a voluntary going from one jurisdiction or sovereignty to another. The Convention were then speaking of persons coming from abroad: importing of slaves could not be prohibited entirely; a tax was the only restraint that could be obtained before 1808. But the policy of the United States would not allow a tax on migration, or voluntary coming. Such a tax on foreigners might be urged, from motives of popularity, against the general policy of the nation. A right to prohibit this introduction of foreigners would not be exercised except when, upon necessary or extraordinary occasions, the safety of the nation might require it. It was proper, then, that Congress should have power to prohibit, but not to tax, strangers emigrating from abroad. When this clause was reported by a committee of the Convention, the taxation extended to migration as well as importation. Had the Convention understood that this word related only to a transfer from one State to another, would the committee have reported this provision, in direct contradiction to

another clause of the same section? While the clause was under debate in the Convention, a member proposed to insert the word "free," before "persons." Had this been the meaning of the word, no one, unless he was delirious or in sport, would have proposed an amendment which would have operated to authorize Congress to prohibit a transfer of none but free persons from one State to another.

Sir, I trust enough has been said to prove that this clause gives no authority to prohibit a transfer of slaves from one State to another; and, if it did, it has nothing to do with the question. Sir, it is a new doctrine, and, allow me to add, it is an alarming doctrine. Let me ask the gentleman from New York a question, and I will do it with that confidence which friendship inspires: With the suggestion that the Declaration of Independence is an act of general emancipation, and with this doctrine, that Congress may confine the slaves within the limits of the respective States, let the four hundred thousand slaves of Virginia be transferred to New York, and what would be his feelings? [Here Mr. TAYLOR rose, and disclaimed having advanced that the Declaration of Independence had any effect to emancipate the slaves.] Sir, I have not said that that gentleman did advance such a doctrine. I stated that such an opinion had been advanced, and from high authority. And I again appeal to the candor of that gentleman, and ask him, whether he should feel entirely easy, if the slaves of Virginia were shut up in New York, under this power which he advocates, and it had come to their ears, from any respectable source, that they were all free? Would he not be inclined to doubt the constitutionality or policy of such a law? Confine the slaves in the old slaveholding States, where they are most numerous; the constant emigration of the whites will soon bring them to an equality with their slaves. Emigration will increase with the danger; and murder and massacre will succeed. And yet, we can look on and see this storm gathering; hear its thunders, and witness its lightnings with great composure, with wonderful philosophy! We are aware, gentlemen, that we are diffusing sentiments which endanger your safety, happiness, and lives; nay, more, the safety, happiness, and lives, of those whom you value more than your own. But it is a Constitutional question. Keep cool. We are conscious that we are inculcating doctrines that will result in spilling the best of your blood; but, as this blood will be spilt in the cause of humanity, keep cool. We have no doubt that the promulgation of these principles will be the means of cutting your throats; but, as it will be done in the most unexceptionable manner possible, by your slaves, who will no doubt perform the task in great style and dexterity, and with much delicacy, and humanity, too, therefore, keep cool. Sir, speak to the wind, command the waves, expostulate with the tempest, rebuke the thunder, but never ask an honorable man, thus circumstanced, to suppress his feelings. But, sir, I beg pardon for this digression: it is aside from my purpose. My object is not declamation, but reason.

I trust I have succeeded in proving that Congress cannot restrict a State which was party to the compact, in the exercise of a political power not surrendered by the Constitution; that the political power of a State which was party to the compact, to establish or prohibit slavery, is not surrendered by the Constitution; and therefore cannot restrict an original State in the exercise of this power.

It now becomes necessary to show that a new State, on admission into the Union, succeeds to all the disabilities and duties, and all the rights and powers of one which was party to the compact. A principal object of the Constitution was, "to form a more perfect union." The parties made an equal surrender of sovereignty, and retained equal powers in the Federal Government. The sovereignty ceded is equally operative upon every State. The powers exercised by the several States, in Congress, are equal—in the Senate, in numbers; in the House, in strength. "New States may be admitted," and no difference is authorized. The authority is to admit or not, but not to prescribe conditions. What would be a fair construction of this power? Surely not that Congress might hold a Territory in a colonial condition as long as they chose, nor that they might admit a new State with less political rights than the others; but that the admission should be as soon as the people needed and were capable of supporting a State Government, and that it should vest such State with the same political powers as the others. Several parties are united by compact, on perfectly equal terms. The articles authorize the admission of others generally. These are handed to their attorney, and application is made by a new partner for admission. What is a fair construction of his power? Most unquestionably that, if he is admitted as all, it must be on equal terms.

I ask gentlemen to turn with me to the tenth section of the first article of the Constitution, and answer me a question. This section contains the prohibitions upon the States. Are these prohibitions confined to those States which were parties to the compact, or do they extend equally to those which have been since admitted? The question may appear odd, but the discussion will show its importance. You will agree with me that it admits of no doubt. It would be singular, indeed, if Kentucky and Tennessee, or the other new States, should have the right to declare war, make treaties, coin money, or do any other acts of sovereignty which are prohibited to the old States; such a construction would be dangerous, absurd, and destructive of the uniformity and safety of the whole system. I now ask gentlemen to go with me to the tenth article of the amendments, which provides, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people," and answer me, if this reservation of powers extends to the new States on their admission, as well as to the original States? If new States, on their admission, are subject to the duties and disabilities imposed, they must consequently be entitled to all

the powers and privileges reserved. The conclusion is as necessary in the one case as the other. Both of these provisions must extend to them, or neither. If neither, the States are unequal, and the balance is destroyed. If both, then all powers not surrendered by the old States are reserved equally to the new, and consequently a new State, on being admitted to the Union, succeeds to all the duties and disabilities, and all the powers and privileges, of the original parties. But an original State, having all political powers not surrendered by the Constitution, and the power to establish or prohibit slavery never having been surrendered, and new States, on their admission, standing on the same footing, it follows, consequently and irresistibly, that a new State, on admission, has the political power to establish or prohibit slavery. Missouri, on being admitted into the Union, could say to Congress, this power was never delegated to you, nor prohibited to me; I am therefore protected by the Constitution in its exercise.

We may now proceed to ask the only question which remains to be settled on this part of the subject. But, before we do this, let us retrace our steps, and see if there is any defect in the chain of our argument. To regulate the relation between the different members of a community, or to establish or prohibit slavery, is an attribute of sovereign power. This was exercised in all the colonies before the Revolution. The Revolution did not alter or extinguish it. It therefore existed in the States after the Revolution. The Constitution of the United States did not of itself take it from the States, but confirmed, or at least recognised it. It consequently remained in the States after the adoption of the Constitution. Congress cannot restrict a State, which was a party to the compact, in the exercise of a political power not surrendered by the Constitution. The political power to establish or prohibit slavery, was not surrendered by such States by the Constitution; therefore Congress cannot restrict an original State in the exercise of this power. New States, on admission into the Union, succeed to all the duties and disabilities, and all the rights and powers of the original States. The original States having the power to establish or prohibit slavery, it consequently and inevitably follows, that every new State, on coming into the Union, retains this political power.

We are now ready to ask, and I trust to answer, the question—Can Congress exact of a new State the surrender of a political power, enjoyed by other States, as a price of her admission into the Union? Or, in other words, can Congress sell a license to admit a State into the Union, and take their pay in political power? And is not the question already answered? You may load Missouri with as many conditions as you will, and on her admission she can throw them off. She may alter her Constitution the next day after her admission, abolish your restriction, and intrench herself within the tenth article of the amendments, and you cannot assail her. She will tell you that she has the right of an original State, and this right was never surrendered. You answer, "the compact." She replies, "where is your authority to make such a

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compact? Show me your power. You have assumed an authority not given in the Constitution: it is a usurpation, and I am not bound by it."

I have heard many reasons attempted for the right to impose this restriction on Missouri. It has been urged that a person, being the owner of property may devise it, reserving a legacy, to another, or grant it, reserving an easement to himself; and that consequently Congress, having a discretion in admitting new States, may admit them with such reservations and conditions as they shall see fit to prescribe. It has been very gravely observed, that no one can make a reservation inconsistent with a grant. I shall not trouble the Committee with the inquiry into the nature of grants and reservations, inasmuch as the cases bear not the smallest analogy to this. A man may do as he will with his own, but it fortunately happens that Congress are not the owners in fee of the sovereignty of the territories of the United States. They can dispose of the property, and they can exercise a jurisdiction, consistent with freedom, over the inhabitants; and, when it becomes expedient, authorize new States, and admit them into the Union. But they can exercise no jurisdiction over the State so admitted, not granted in the Constitution.

The sovereignty in the States is concurrent; that of the United States and of a State operates, at the same time, upon different actions of the same individuals, and often alternately upon the same actions. That which relates to the exterior concerns of the nation and the conflicting rights of the States, is subject to the control of the General Government; that of local concern, and much the greatest portion, belongs to the States. These jurisdictions often interfere, and sometimes clash. To define these with accuracy, is the most difficult, and at the same time the most important duty of the American politician. The people intended that Congress should be contented with the powers granted in the Constitution, and that they should have no means of future acquisitions. When a State came into the Union, it was expected that it should not bring an exclusive acquisition of power to the Federal Government; but, retaining its equal proportion of State sovereignty, should preserve the balance originally established. A very able advocate of the Federal Constitution apprehended that there would be more danger from faction in the members than from power in the Federal head. Others predicted that power would be always accumulating in the National Government; that the centrifugal would be overcome by the centripetal force, and the surrounding orbs would rush to the centre. On which side has experience found the danger?

But, sir, the 10th article of the amendments has as positively reserved to the States the power to establish or prohibit slavery, as if it had been expressed in the very words. It is as effectually reserved as any specific political power. If, then, Congress have a right to demand a relinquishment of this, they may equally demand that of any other. Maine applies for admission into the Union. You grant her request, on condition that she will relinquish a right to one Senator. She remonstrates

that this is a political power to which each State is entitled by the Constitution. You answer, so was that of Missouri. She complains that she has not equal powers with the other States: the answer is, nor has Missouri. Let me not be told that this is not a reservation, but an abolition of power. Every diminution of power in a State is relatively an acquisition to the United States. Moreover, if you prohibit a State, you must enforce the prohibition by legislation, judgment, and execution. But, before we glance at the consequences to which such powers of imposing conditions may lead, let us step forward and clear our way of the host of precedents which are interposed to obstruct our passage.

When an exposition of the Constitution is contemporaneous with its origin, has been made upon a controversy of able and interested adversaries, and the decision is the result of much wisdom and deliberation, it is entitled to great respect. But, as all reasoning from analogy is suspicious, as every like is not the same, and resemblances are often apparent but not real, it becomes us to take care that we do not make the Constitution bend to expositions of doubtful analogy, or those which result from indifference, policy, or ignorance.

Some of the memorials on your table have placed much reliance on the reservations and conditions contained in the act authorizing Louisiana to form a constitution and State government, preparatory to her admission into the Union. The one, trifling as it is, which appears to interfere the most with ordinary State legislation, is that which requires that her records shall be kept in the language of those of the United States. It will, however, be observed, that this was not imposed as a condition, and was to be provided for after her admission. In Louisiana, a foreign language was spoken by a majority of the inhabitants, which was the case in no other State. By the 1st section of the 4th article of the Constitution, Congress have power to prescribe the manner in which the records of the States shall be proved, and the effect of such proof. They might, as a manner and effect of this proof, require that they should be made in the ordinary language. But, whatever may be their power in this particular, this requisition on Louisiana was not a condition; it was agreed to, and, instead of being a restriction prescribed, was a rule proposed, and became binding by consent.

Another class of restrictions, as they are denominated, upon the same State, is the provision in favor of certain personal rights, such as that of habeas corpus, trial by jury, and freedom of religious opinions. These were all within the power and duty of Congress. All these rights are reserved by the Constitution to the people of the United States. The third article of the Treaty of Cession secures to the people of the Territory all the rights, advantages, and immunities of citizens of the United States. These by the Constitution, being ours, by the treaty they became theirs. The people of Louisiana were a party to this compact; at least, they became so on their application for admission. They not only assented to, but exacted these terms, and, instead of a condition prescribed to them, it

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was a condition fulfilled by us. We will, therefore, lay these out the way.

The reservations which protect the property belonging to the United States, with its appurtenances and attributes, have been seized on to justify an assumption of sovereign power. That these cases should have been relied on, to authorize this restriction, is of all things most extraordinary, and proves the extreme necessity to which gentlemen are reduced in their search after power.

Should a sovereign cede a jurisdiction, could he not, by the terms of the compact, save his domain or property from prejudice? When the framers of the Constitution authorized Congress to erect new States, or subordinate governments in the territories, was it to be supposed that they could not preserve the rights of property, as before? They were aware that a State might be formed within the territory of another; that the property of the old State might fall within the jurisdiction of the new; and that many new jurisdictions would be formed from the territory of the United States. Would it not have been fair to presume that, in creating or consenting to these, a right to preserve property from prejudice was intended in this power to cede jurisdiction?

But the wise and provident framers of that instrument were unwilling to leave rights of such importance to inference. They made express provision on the subject, which, much to my surprise, has been overlooked in any discussion which has come to my knowledge. I ask the attention of the Committee while I prove, to their entire satisfaction, that the power over property is expressly reserved in the Constitution of the United States. It is contained in the third section of the fourth article. The first clause provides for the admission of new States; the second, for the government of territories; and, lest these grants of jurisdiction should affect property, a proviso was inserted, that "nothing in this Constitution shall be so construed as to prejudice any claims of the United States or any particular State." The word claims was the best that could be selected: rights might extend to sovereignty, and title might be limited to lands, without including easements or privileges. The claims of several States had just been ceded to the United States. These it was the object of the Convention to secure from "prejudice," that in a cession of jurisdiction they should be preserved with the same attributes as before. But, to establish the position beyond the power of doubt, I ask gentlemen to attend to the history of the origin and progress of this clause in the Convention.

On the 30th August, 1787, when the section was under discussion, an amendment was proposed, in these words, "provided nevertheless, that 'nothing in this Constitution shall be construed to affect the claim of the United States to vacant lands ceded to them by the late treaty of peace.'" They had perceived the mischief, but, as they limited the remedy to those vacant lands only ceded "by the late treaty of peace," no provision was made to secure a State; the remedy was inadequate, and this motion was with-

drawn to make room for the following: "Nothing 'in this Constitution shall be construed to alter 'the claims of the United States, or of the individual States, to the Western territory.'" This embraced the States as well as the United States, but it was defective in restricting the provision to the lands in the Western territory, and was withdrawn for this proviso, which was inserted, and finally adopted by ten States against one. You will now perceive that this express power was intended to embrace the very cases which have been cited as precedents. Before the admission of Louisiana, the lands of the United States there were secured from "prejudice" by being exempt from taxation five years after the sale, and non-residents were to be taxed no more than residents. To alter these provisions would prevent the sales, diminish the value, and therefore "prejudice" the "claims." I trust, sir, we have effectually disposed of this class of precedents.

The same reasons, and more, apply to the reservation that the navigation of the Mississippi shall be free to all. Congress had no power to grant an exclusive right in this river. By the eighth article of the treaty of 1783, its free use, from its source to its mouth, was reserved to the subjects and citizens of the contracting parties. And although, since the convention of 1815, which excludes Great Britain from all the shores of the river, the right of her subjects may be extinct, still they were, at the time of this reservation, entitled to its use. But, were this use reserved exclusively to the citizens of the United States, Congress could never divest it. Is it supposable that they could alien this river in fee, lease it on long leases, or farm it for a toll? So long as a citizen of the United States remains, who wishes to use it, they might as well exclude him from the Gulf of Mexico. But, reason which way you will, Congress could not cede it, and therefore the Constitution gives them a right to reserve it. They could not, and they were therefor obliged to retain it. And gentlemen may take which horn of the dilemma they please.

Having removed the obstructions in this quarter, I now ask the Committee to ascend the Mississippi, enter the Ohio, cross over to the northwest, and there examine, with me, this mighty obstacle, the ordinance of the 13th July, 1787, and see if that is not as easily demolished. It is "an ordinance for the government of the territory of the United States northwest of the Ohio river." It is in my view not so offensive as some have described it. Before we pronounce it an usurpation, a violation of compact, let us examine and endeavor to understand it. Its principal object is to establish a government for the territory. It cedes legislative, executive, and judicial powers, provides for their origin, and prescribes their operation. It then establishes and defines certain rights as secured to the respective parties of the compact, and includes them in six distinct and separate articles. In reading these, the most superficial observer will perceive that their object is two-fold—one to establish certain rights between the United States and the people of the territory,

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and the other to prescribe the terms on which the new States, to be formed out of this territory, are to become members of the Union. These two objects are clearly designated in the preamble to the articles. One is "to fix and establish the principles of civil and religious liberty as the basis of all laws, constitutions, and governments which for ever hereafter shall be formed in said territory." The other is "to provide also for the establishment of States and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States." It then declares these to be "articles of compact"—between whom? Two descriptions of parties—the United States and "the people" of the territory of the United States, and the "States" to be formed therein. The phraseology of these articles keeps up this distinction, and the provisions are peculiarly adapted to these different objects. The first, second, and third articles relate exclusively to the territory. Freedom of religious worship, habeas corpus, trial by jury, and judicial proceedings according to the common law, reasonable bail, moderate fines and punishments, security of property, encouragement of education, and an equal representation in the legislature, are secured to the people of the "territory." These provisions, all of which a State would have a right to vary, and many of which, particularly the last, most of the States have varied, were never intended as articles of compact to extend to the "States," and were therefore properly limited to the "territory."

The fourth article mentions the territory and the States which may be formed therein, and makes provisions common to both. It stipulates, in substance, that the soil or property of the United States, the rights of non-resident proprietors of lands, and the use of the rivers, shall be as before; and that the States shall be subject to the duties, as they are to be entitled to the privileges, of the other members of the Confederacy.

The fifth article defines the limits of these new States; requires their constitutions to be republican, and "in conformity to the principles contained in the articles"—that is, in conformity to the provisions which relate to them as States, but not to those for the government of them as a Territory.

All the reservations relating to them as States, therefore, are an equality of duties and privileges; a security for property and for the use of rivers; and the guaranty of a republican form of government. All these it is competent and usual for Congress to require under the Constitution.

Now comes the provision contained in the sixth article, on which so much reliance has been placed; and you would suppose that it provided that there should be neither slavery nor involuntary servitude in the said Territory, nor in either of the new States to be erected therein. But it says no such thing. It limits the provision to the Territory. You will now perceive that this ordinance was drawn with great care; that the first, second, and third articles, relate exclusively to the Territory; the fourth article makes provisions common to both; the fifth relates to the new States; and the

sixth is a proviso, inserted exclusively for the Territory.

Any other construction would impeach the integrity of Congress, and fix upon them a violation of a solemn compact. It is indeed doubtful whether this will entirely exculpate them. But, if the provision admits of doubt, it is proper to give it that construction most consistent with innocence and good faith.

The United States being exceedingly embarrassed for funds; their paper having become worthless; and the war continuing,—Congress by a resolution of the 6th September, 1780, invited the States to cede their claims to the western lands to the United States; and to encourage those which had any pretensions of title, and at the same time to induce purchasers from the slaveholding as well as the other States, they, by another resolution of the 10th October of the same year, promised that "the lands should be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which should become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States."

At this time, several States claimed title to the lands northwest of the Ohio. Connecticut had a claim, of which she had the address to make something, and has converted the proceeds to a very wise, benevolent, and patriotic purpose. The claim of Massachusetts was little better than moonshine. That of New York was worse; for, if I mistake not, she described all the lands to which she had any title within certain boundaries, and released the rest to the United States, on condition, however, that Congress would guaranty to her the lands described. The claim of Virginia was the oldest, largest, and best. It extended, I think, on the shore two hundred miles each way, from Old Point Comfort, and then across the Continent to the Pacific—the southern line running West, and the northern northwest, probably, so as to embrace most of this tract. These States made their cessions—Virginia on the 1st March, 1784. Congress, on the 23d of April of the same year, and during the same session, passed a resolution providing for a temporary government of the Territory; for the erection of new States, and for their admission into the Union, upon no other conditions but those of mutual burdens and benefits; republican constitutions; and a preservation of the property of the United States, with its usual attributes. The resolution then solemnly engages that "the preceding articles shall be formed into a charter or compact; shall be duly executed by the President of the United States—in Congress assembled—under his hand and the seal of the United States; shall be promulgated; and shall stand, as fundamental constitutions between the thirteen original States and each of the several States now newly districted, unalterable, from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States, in Congress assembled, and the particular State within which such alteration is proposed to be made."

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The object of the solemnity of this compact, admits of no doubt. It was a lure to purchasers; and they were in hopes, by these solemn stipulations, to induce slaveholders, and others, to purchase the lands. The moment a purchase should be made, this compact became effectual between the United States and the purchasers, and was indispensable, until a State should be formed, and give its consent, in its sovereign capacity, to an alteration. No prohibition of slavery was inserted that the slaveholder might be equally sure of his property with another man. Extend the 6th article of the ordinance of '87 to the States, and there is no apology for this palpable breach of compact and violation of faith. The conditions of admission are defined under the most solemn and positive pledge. And how comes it to pass, that the compact is altered in regard to the government of the Territory? Policy, sir, suggested the resolutions of 1780 and 1784, and policy dictated the alteration in the ordinance of 1787. In the resolutions of 1780 and 1784, the offer to purchasers was general. In the period of three years it had been discovered that the soil and climate of the Northwestern Territory would not admit of a profitable cultivation by slaves. The people from the North had made large purchases, and were making rapid progress in settlements. The people from the South preferred emigrating with their slaves to the milder climates and more suitable soils of (what are now) Kentucky, Tennessee, Mississippi, and Alabama. As a general offer would be most likely to facilitate sales in '80 and '84, so an offer, with the restriction against slavery, in this Territory, would produce the same effect in 1787. This was not only a violation of compact with purchasers, but with Virginia. I do not stand the advocate or flatterer of Virginia. In these respects, as well as every other, Virginia is very capable of taking care of herself. It does not appear that she assented or dissented to this alteration. She might acquiesce, from motives of magnanimity, or from a conviction that the course of settlement and the kind of population would produce the same result as the sixth article contemplated. But, it was never doubted by the people there, and it was so stated by a gentleman from Ohio in the last Congress, that they were perfectly free to authorize or inhibit slavery at their election. But, whatever might be the intent or effect of an ordinance, passed before the adoption of the Constitution, when the principles of a Federal Government were not understood, nor the necessity of a balance of sovereignty perceived, it is most manifest that this ordinance is so modified by the Constitution, and must conform to its principles. And the 6th article, providing that engagements entered into before its adoption shall be as valid against the United States as before, was probably worded with this caution, that the other party to the compact should be no farther obligated than according to the principles of the Constitution.

It is, therefore, most clear, that, whether we consider this article of the ordinance, as confined to the Territory, a violation of compact, or modified

by the Constitution, it is equally ineffectual as a precedent, and cannot, for a moment, stand in our way.

Having disposed of the precedents to my own satisfaction, and, as I hope, to the satisfaction of the Committee, I will recur for a moment to the proposition that the political power of a State cannot be diminished by Congress, as a condition of her admission into the Union, and glance, as time will permit, at some of the consequences of a contrary doctrine.

The power to impose, includes a power to enforce. How is this condition to be enforced? Not by the singular process of expulsion from the Union. You must legislate, and if you legislate, you must adjudicate, and if you adjudicate, you must execute. The judicial power of the United States must extend to all cases affecting the rights of restraint or obligations of service, to all contracts in derogation of personal rights, and all trespasses wherein the right of coercion is questioned. Your new State of Missouri will then be subject to the jurisdiction of the courts of the United States, in a great variety of cases, in which the State courts of other States have exclusive cognizance.

This is not all. You may reserve other political powers if you can reserve this. You may require that the Governor shall be appointed by the President, that he shall appoint the officers of the militia, and thus bring the military power of the State under the absolute control of the President. You may demand of the State to maintain troops or ships of war, and in this way intimidate the States to yield to the usurpations of federal power. You may, under this authority, regulate devises, descents, and every tenure of property. In fine, you may make a constitution entire, and impose it on a State as the condition of her admission.

And, sir, if you can diminish, why not increase the political power of a new State? There might be a plausible pretext for this. A refractory State in the neighborhood to awe, an enemy to repel, or a Territory to conquer. The claims for past, or the prospect of future, military or political services, might be urged as reasons for exempting a new State from the Constitutional prohibitions, and warrant you in giving her authority to coin money, pass tender laws, establish imposts, and keep troops and ships of war in time of peace.

Diminish the political power of a new State, and you accumulate a federal control over it, dangerous to the other States. Increase it, and you put in jeopardy the Union. Make a State mean any thing else than one of exact political powers with the rest, and there is no limit to which you might not go, from nearly absolute sovereignty on the one hand, to mere colonial subjection on the other. Here, sir, the field is boundless. The mind might dwell, in probable conjecture, on the evils that would flow from this assumption of power. But the time I have already occupied admonishes me to beware how severely I tax the indulgence of the Committee.

Let it not be said, however, although Congress cannot impose this condition, still they may, at

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their discretion, refuse to admit. It was never expected or intended that the Congress of the United States should hold any considerable portion of population under their exclusive jurisdiction. An extensive system of colonization would strengthen the federal arm and weaken and endanger the powers of the States. What would be the condition of the federal compact, when the population of the Territories approached near that of the States? Where would be your State rights, if, in addition to that yielded up by the Constitution, Congress had a vast population subject to their exclusive control? In ordinary cases, sound policy requires, and constant practice demands, that the people of a Territory should be made a party to the federal compact, as soon as their exigencies and their interests required it. And what is your pretence in this case? You allow them ripe for admission, but refuse them, unless they will surrender a political power possessed by all the rest. But you have another obligation to fulfil. You have solemnly stipulated with these people that you will admit them. Portions of this Territory have been included in three States, which have been already admitted upon the same terms which Missouri asks. These people are, by your treaty, entitled, as soon as possible, and yet you pretend that it was not possible to admit them unless they will consent to be disrobed of an essential attribute of sovereignty, not demanded in any other. Such an excuse is an insult to an ordinary understanding.

Did the Constitution authorize this restriction, the treaty forbids it. They are to be admitted "according to the principles of the Federal Constitution" upon the same terms, and retaining the same sovereign powers of other States. They are to be entitled to "all the rights, immunities, and advantages of the citizens of the United States;" to make their own constitution, and regulate the relations and duties of the members of the community in their own way.

Sir, I have been surprised at the suggestion that these people were transferred to us without their consent, and were no parties to the compact. A compact made for the benefit of a people, and they choosing to take advantage of it, and yet no parties to it! But this is not more surprising than the most singular doctrine of the gentleman from New York, that this treaty gives us sovereign control and the same powers over this people which could have been exercised by France! Then I suppose that if we had received the cession from the Dey of Algiers, or the Grand Seigneur, our political powers would have been the same as theirs. This doctrine is monstrous. Congress has, to be sure, power to regulate the government of the Territories. But so far is this from being absolute, that it must be exercised under the same limitations and with the same regard to the rights of life, liberty, and property, as citizens of a State are entitled to. And, upon another ground, is not Congress pledged? At the time of the cession, the people held a property in slaves. The act of 31st October, 1803, authorizing the President to take possession of Louisiana, secures to them this right. On the 26th March, 1804, Congress separ-

ated this district from that of Orleans, (now Louisiana,) and established a Territorial government, with legislative powers, provided for the security of persons and property, and confirmed their existing laws; and, on the 2d March, 1805, further provision was made for their government, and their laws continued in force; and, on the 4th June, 1812, the present Territorial government was established, with legislative, executive, and judicial powers, the usual rights secured, and the existing laws continued and confirmed. These existing laws, during these several alterations of the government, regulated the right and title to slaves, not only authorized but established by Congress. Whence, sir, do you derive the power to take it away? Their government is established by charter, which, without their consent, it is not in your power to repeal. What, sir, have we forgotten the doctrine of the sanctity of chartered rights? Would you pretend to greater power than the Parliament of England? You have read in her history of one of her Kings who seized upon the franchises of corporations, and that these acts, even at that period, were deemed usurpations.

You cannot have forgotten the stands made by the Colonies, in defence of their charters. Great Britain never, until the Revolution commenced, ventured to vacate them without trial and judgment, according to law. A prominent charge against the parent country, in your Declaration of Independence, is "for taking away our chartered rights."

But we are told, in a memorial on your table, from Boston, that Congress has on this subject unlimited control; that they can impose any condition which their "justice, wisdom, or policy may dictate." Indeed! has it come to this? Absolute power of Congress, and from Boston too? Most of these gentlemen have changed their tone since 1812, 1813, and 1814. Then their jealousy of Congress was such, that they would not allow them to determine when the country was in danger of invasion, but confined this power to the exclusive discretion of their Governor. Now absolute power is conceded over the lives, liberties, and property of the people of your Territories. Then from a jealousy of your powers, or an attachment to the then President, they insisted, seriously insisted, that you should not have their militia, unless the President should command them in person, and obtained a judicial decision to fortify them in this sage and prudent Constitutional stand. Now "Parliament may bind the colonies in all cases-whatsoever;" and by and bye Parliament, with their colonies at their heels, will have the means to bind them in all cases whatsoever.

Your duties are, first, to govern and protect them, until they are ripe for admission, and then to incorporate them, with all the rights, privileges, and immunities of citizens. You perform the first obligation, and refuse the second, unless they will surrender the right granted in the first. We say to Missouri, we admit we were indebted in two obligations; we have performed one, and will perform the other, if you will surrender the consideration paid for the first.

This is your humanity. You refuse to admit Missouri as a State unless she will give up her slaves, and yet you will permit her to keep them as a Territory. You negatived this restriction upon Arkansas, at the last session, and as Territories you have confirmed the right in both. Upon what principle of humanity, then, do you now act? Is a Territorial government, created by a Congress, having high pretensions to absolute power, more consistent with the dictates of humanity and compassion than one formed by the people?

I fear, sir, there is something of policy as well as humanity in this business, and that the former comes dressed out in the garb of the latter.

The gentleman from New York has told us that a slave representation beyond the original States is unequal, and contrary to the spirit of the compact. I know not where the gentleman derived his authority; surely not from the Constitution. It is there agreed that the representatives shall be apportioned according to the number of free persons, and three-fifths of the slaves—not in such States as then existed, but in such as “may be included within this Union.” The language is explicit and positive. Why is this spectre conjured up again, to frighten the people out of their liberties? But it does not frighten me. I have seen the phantom before. It made its appearance in Massachusetts in 1812, reappeared in 1813, and in 1814 it became familiar; interposed in our schemes of policy; and, as appears, dictated the instructions to the delegates of the Hartford Convention. [Here Mr. H. read part of the instructions from the Legislature of Massachusetts, which concluded thus: “And also to take measures, if they think proper, for procuring a convention of delegates from all the United States, in order to revise the Constitution thereof, and more effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation.”] You see what it was then, and this is a shadow of that shadow!

The Constitution, as every one knows, is the effect of compromise. The compromise on this subject was not a yielding up by the North, in representation, as an equivalent for direct taxation. It was not expected that this odious mode of obtaining revenue would be often resorted to. Slaves were property, but they were human beings. They had some, but few, political rights secured to them by the laws of their States. One side, as a rule of representation, contended for their full enumeration, and the other for their entire exclusion. It ended in a compromise, which embraced three-fifths. It was a compact, and we are bound by it; and if it was a bad or a good bargain, I will neither complain of it on the one hand, nor boast of it on the other.

But it does appear to me, sir, that this measure, on the ground of representation, is a mistaken policy. We wish to diminish the influence of this mighty people, rising in the West. The representatives of Missouri are one day to form a local balance against a State in the East. Population is, according to the “means of existence,” the amount of productive labor. Five slaves will oc-

cupy a space which would supply eight free persons, while those slaves would be entitled to only three-eighths of the amount of representation; and yet the people of New England, governed by a mistaken national policy, would add this among the reasons for inhibiting slaves in Missouri.

It is extremely unfortunate that reasons like this, inducing an inquiry into the equity of the basis of the Constitution, and calculated to excite geographical distinctions and jealousies, should ever have been urged in this House. It is not improbable that there are in this, as well as in every other Government, men watching every favorable opportunity for a change.

If this subject did not originate in motives of ambition, if a political scheme was not the cause, it may be the effect of this extraordinary sensibility. Ambitious, desperate men may take advantage of popular excitement, and, after all other schemes have failed them, succeed by producing, the worst of all, a geographical division of party, and rise to power under its banners. And, sir, it is already whispered that this *hobby* did originate in a part of the country very prolific in such productions; that his blood is of different kinds; that he is claimed by men of high standing and character, but of different complexions, feelings, and sentiments; that they have nevertheless agreed, as many as can, to mount him together; that they are jogging on with great cordiality and affection; and that the head of the pony is directed towards the chair of the General Government. This may be all suspicion; but if no such case has yet occurred, should the excitement be kept up, and the nature of man remain what it ever has been, such and more mischievous schemes will be produced, discord will rear its head, and faction again mar our peace, paralyze our prosperity, and at last destroy our liberty.

The people of the United States can have but one interest. Their ties are strong, and their motives to union great. They have fought and triumphed, suffered and prospered together. There is a constant dependence of the parts, indispensable to the liberty, greatness, and glory of the whole. Trifling jealousies even are injurious to fair legislation. A fear that a geographical division will receive more than its share of profit or power, will produce a corresponding jealousy, until every local or private act will become a matter of compromise and bargain. But an excitement which divides the United States in nearly equal halves is dangerous indeed. In such a case, the passions have greater scope, ambition stronger inducements, and the intrigues of party more powerful temptations.

But this division is singularly unfortunate. It is the only subject on which the slaveholding States could be made to unite against the rest. Are the general interests of Delaware more united with those of Georgia than of Pennsylvania? Are the interests of Ohio more coincident with Massachusetts than Kentucky? Sir, the hopes and prospects of the North and East are interwoven with the prosperity of the South and West; and yet we have armed ourselves against them all. It is

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not with them a question of policy, of political power, but of safety, peace, existence. They consider it as hastening and provoking scenes of insurrection and massacre. Their jealousy and their sensibility are roused, and they demand what motive, what inducement, you have to this? They are answered, humanity. In the name of humanity, desist! She asks no such sacrifices at her altar. Create jealousies, heart-burnings, and hatred; set brother against brother, kindle the flames of civil discord, destroy the Union, and your liberties are gone. And then, where will your slaves find the freedom which you proffered them at the expense of your own?

But should these dangers be averted, there are others in prospect. Missouri, by an act of territorial legislation, forms a constitution, and at the next session applies for admission. She comes from her rivers and her forests, knocks at your door, and supplicates you for admission. She shows you your promise, and that it has been fulfilled to three of her sisters, whose merits are no greater than hers. You stamp her with indignity; you reject her. No rebellion, no resistance; your arm is too strong—you can compel obedience. But you cannot compel affection. She retires to her native forests; the goods of fortune flow profusely; she grows, and the sense of your injury grows with her growth and strengthens with her strength. That voice which once you treated as the complaint of a child now assumes the tone and firmness of ripened age. She now demands that justice which once she solicited in vain. Instead of yielding, you impose some *tax* or *stamp* to remind her of her dependence. Her complaints become loud; her neighbors sympathize in her behalf. Mexico, having become rich, powerful, and independent, is called in—but I forbear. Let the history of nations teach us a lesson on colonization, and to beware how we despise the just complaints of a young and enterprising people, nursed in the lap of freedom.

I fear I see in this struggle dangers and evils of serious import. May my forebodings prove vain and visionary. But my fears are strong that they will be found to be fatal realities. I will relieve the Committee, however, from further remarks of mine, and conclude by reading a few sentences from the Farewell Address of the man who was "first in war, first in peace, and first in the hearts of his countrymen."

"It is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now bind together the various parts.

"In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that

any ground should have been furnished for characterizing parties by *geographical* discrimination—*Northern* and *Southern*, *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations."

And then, as if he felt a premonition that his advice would be forgotten and his counsel rejected, he adds—

"In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but, If I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party-spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated."

The Committee rose, and obtained leave to sit again, and the House adjourned till to-morrow.

FRIDAY, January 28.

THE SPEAKER presented petitions from sundry inhabitants of the Territory of Arkansas, praying for the right of pre-emption in the purchase of the lands on which they reside, to include their improvements, and that military warrants, or the Cherokee Indian claims, may not be extended over them; which was referred to the Committee on the Public Lands.

MR. WOODBRIDGE presented a petition of Nathaniel Champe, on behalf of himself and the other heirs of John Champe, deceased, a sergeant major in Lee's legion, in the Revolutionary army, praying for a grant of the land due for the services of their ancestor in the capacity aforesaid; as, also, for some other compensation for his perilous and distinguished services, performed by order of General Washington; and that some appointment, civil or military, may be conferred on him, the petitioner, for his own services in the late war with Great Britain; which was referred to the Committee on Private Land Claims.

MR. NEWTON, from the Committee of Commerce and Manufactures, to which was referred the bill from the Senate, entitled "An act to provide for obtaining accurate statements of the foreign commerce of the United States," reported the same without amendment, and it was ordered to be read a third time to-morrow.

MR. SERGEANT, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to establish a district court in the State of Alabama," reported the same with amendments; which were read, and, with the bill, committed to the Committee of the Whole to which is committed the bill from the Senate, entitled "An act establishing a circuit court in and for the District of Maine."

Mr. SERGEANT, from the same committee, to which was also referred the bill from the Senate, entitled "An act to continue in force the act, entitled 'An act to provide for reports of the decisions of the Supreme Court,' approved the 3d of March, 1817," reported the same with an amendment; which was read, and, with the bill, committed to the Committee of the Whole last mentioned.

Mr. WILLIAMS, from the same committee, made a report on the petition of Joseph M. Skinner, accompanied by a bill for the relief of the said Joseph M. Skinner, administrator of George Skinner, deceased; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale, in the States of Alabama and Indiana; which was read twice, and committed to the Committee of the Whole, to which is committed the bill for the establishment of additional land offices in the State of Illinois.

On motion of Mr. WALKER, of North Carolina, the Committee on Military Affairs were instructed to inquire into the expediency of providing by law for the allowance of bounty land to all soldiers who enlisted in the late war with Great Britain, and who procured substitutes, in proportion to the time of service performed by them, and their substitutes, respectively; and, also, all others who enlisted and remained in service during the war, and were regularly discharged, not already provided for by law.

On motion of Mr. PHELPS, the Secretary of the Treasury was requested to inform this House when the accounts of the Post Office Department were last audited, and the amount of the balance, if any, then due; also, a statement of the quarterly amount of receipts and expenditures of that Department, from the first appointment of the present Postmaster General to the 1st day of December, 1819, inclusive.

On motion of Mr. PINDALL, the Secretary of State was instructed to lay before this House a list of the newspapers in which the laws, resolutions, and orders of Congress are published, and have been published, during the sessions of the 14th and 15th Congress, designating the State, District, or Territory in which each newspaper was published, with an estimate of the expense of such publication.

Mr. BRUSH made an unsuccessful motion that the bill for the relief of William King should be taken from the Committee of the whole House, and ordered to a third reading.

On motion of Mr. NELSON, of Virginia, the report of the Committee of Claims, unfavorable to the petition of Joseph Wheaton, was referred to the Attorney General for his opinion thereon.

A message from the Senate informed the House that the Senate have passed a "Resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the

Congress of the United States," in which they ask the concurrence of this House.

The said resolution was read twice, and committed to the Committee of the Whole on the state of the Union.

THE MISSOURI BILL.

The House then again went into committee on this subject, (Mr. BALDWIN in the chair.)

Mr. HOLMES, of Massachusetts, resumed the floor, and occupied about two hours in concluding the argument which he commenced yesterday, against the proposed restriction.—His remarks are given entire in preceding pages.

Mr. SMYTH, of Virginia, addressed the Chair. He said that the constitutionality of the measure proposed, was the subject which he intended first to consider. The Constitution, said he, provides that "new States may be admitted by Congress into this Union." If, then, a new State is admitted into "this Union," must it not be on terms of equality? Can the old States, the first parties to this Union, bind other States farther than they themselves are bound? Can they bind the new States not to admit slavery, and preserve to themselves the right to admit slavery? Shall the old States preserve rights of which the new States shall be deprived? Can this Government demand of the new States a right to exercise powers over them, that it cannot exercise over the old States? If so, you may demand of the new States power to legislate over them as you legislate over the District of Columbia. Can you stipulate with a new State that she shall have but one Senator; that her representation in this House shall be apportioned by the number of her free inhabitants only; that she shall not appoint her full number of Electors of the President; or that she shall not have a republican form of government? You cannot; for the Constitution fixes the rights of every State in these respects. Can you stipulate for the regulation of the press, for the establishment of religion, or for a power to appoint militia officers? You cannot; for, in these respects also, the rights of the States are declared by the Constitution. And if you cannot stipulate for the exercise of a power prohibited, you cannot stipulate for the exercise of a power withheld.

Will you not admit that you cannot stipulate for a power to appoint militia officers in a new State? You will; because that power is specially, and in direct terms, reserved to the States. All powers not granted, are reserved, in general terms. If the power is reserved, is it not the same, whether it be reserved in direct or in general terms? It is the same. A power reserved to the States or to the people, either in direct or in general terms, you cannot exercise, without committing an act of usurpation.

The case supposed, of stipulating for power to appoint militia officers, illustrates the danger which might arise to freedom, by forming a new class of States, over which this Government should possess powers different from those which it exercises over the old States. A consolidated government might be established over such new States. At

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the time of the Revolution it was a cause of complaint against the British King, that, by acquiring Canada, and establishing a despotic government therein, he endangered the liberty of the American Colonies. The people would never have adopted the Constitution had they supposed that Congress was to exercise over the new States powers different from those granted by the Constitution.

The legislative power of every State is originally coextensive. Each State, by the Constitution, commits an equal portion of its legislative powers to Congress; and all the residue is reserved to the States, unless prohibited to them, or to the people. The only powers of this Government are given by the Constitution. The powers granted are to be exercised over every State; and the powers reserved, are retained by every State. In Pennsylvania and in Virginia, the power to legislate respecting slavery is in the Legislature. In Ohio and Indiana that power is in the people, who have denied it to their Legislatures. No power has been delegated to Congress to legislate on that subject. The Constitution provides that, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." The powers not delegated being reserved to the States, respectively, are reserved to each of the States, whether new or old.

Has the power to legislate over slavery been delegated to the United States? It has not. Has it been prohibited to the States? It has not. Then it is reserved to the States, respectively, or to the people. Consequently, it is reserved to the State of Missouri, or to the people of that State. And any attempt by Congress to deprive them of this reserved power, will be unjust, tyrannical, unconstitutional, and void.

The only condition that may constitutionally be annexed to the admission of a new State into this Union is, that its constitution shall be republican. This the Constitution authorizes us to require, and it is the only condition that is necessary. We possess power to make all needful regulations respecting the territorial property of the United States. Our acts in pursuance of the Constitution are paramount to the laws of any State. When we pursue our Constitutional authority, we need no aid from stipulations; and when we exceed it, our acts are acts of usurpation, and void.

It has been questioned by some, whether a constitution can be said to be republican, which does not exclude slavery. But we must understand the phrase, "republican form of government," as the people understood it when they adopted the Constitution. We are bound by the construction which was put upon the Constitution by the people. It would be perfidious toward them to put on the Constitution a different construction from that which induced them to adopt it.

The people of each of the States who adopted the Constitution, except Massachusetts, owned slaves; yet they certainly considered their own constitutions to be republican. And the Federal Government has not, by virtue of its power to guaranty a republican constitution to each State

in the Union, required a change of the constitution of any one of those States.

The Constitution recognises the right to the slave property, and it thereby appears that it was intended, by the Convention and by the people, that that property should be secure. The representation of each State, in this House, is proportioned by the whole number of free persons, and three-fifths of the number of the slaves. In forming the Constitution, the Southern States, Virginia excepted, insisted on, and obtained a provision, authorizing them to import slaves for twenty years.* And the Constitution provides that slaves running away from their masters in one State, and going into another, shall be delivered up to their masters.

But the gentleman from New York contended, that, by a "person held to service or labor in one State, under the laws thereof," the Constitution means an apprentice, or bound servant. Sir, the definition of a word conveys its meaning to our understandings more clearly than the word itself; and the very best definition of the word "slave" that can be given, is, a person held to service or labor under the laws of a State. The Constitution describes apprentices or bound servants as "those bound to service for a term of years;" and directs that they shall be included in the number of free persons. The apprentice or bound servant is bound to service or labor by contract; the slave is held to service or labor by law. A person "held to service or labor" is the Constitutional and legal definition of the word "slave," and is superadded to the word "slave" or "slaves," in one act of Congress for suppressing the slave trade no less than eight times.† Thus the obligation of State laws, which hold men to service or labor, is acknowledged by the Constitution, and by the laws of the United States.

To render this right, with other rights, still

* *Extract from Luther Martin's report to the Legislature of Maryland.*

"We were then told by the delegates of the two first of those States, (Georgia and South Carolina,) that their States would never agree to a system which put it in the power of the General Government to prevent the importation of slaves; and that they, as the delegates from those States, must withhold their assent from such a system."

The clause referred to relates solely to the importation of slaves from abroad. The Convention used the words "migration or importation" as synonymous. In like manner they say, tax or duty, alliance or confederation, imposts or duties, agreement or compact, service or labor, resolution or vote, for the purpose of elucidating their meaning. This clause at one time stood thus before the Convention: "The migration or importation of such persons as the several States, now existing, shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1800; but a tax or duty may be imposed on such migration or importation at a rate not exceeding the average of the duties laid on imports." This proposition to lay an ad valorem duty shows that nothing was in the contemplation of the Convention but the slave trade.

† Vol. 4 Laws, p. 94.

more secure, Virginia, in adopting the Constitution, declared that "no right, of any denomination, can be cancelled, abridged, restrained, or modified, except in those instances in which power is given by the Constitution for those purposes;" and New York declared, that "every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, remains to the people of the several States, or to their respective State governments." Several of the other States made similar declarations. But the States were not content to declare their rights. An amendment to the Constitution declares that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The right to own slaves being acknowledged and secured by the Constitution, can you proscribe what the Constitution guaranties? Can you touch a right reserved to the States or the people? You cannot.

It has been said,* that in Virginia, 25,559 free persons elect a member of the House of Representatives, and that, in a Northern State, 35,000 free persons elect a member. Let us state the fact. A member from Vermont represents 35,000 persons only; a member from Virginia represents more than 42,000 persons. In forming a constitution for a State, it may be proper that a given number of free persons in one part of the State should have as much political power as an equal number in any other part of the same State: but, in forming a constitution for a confederacy of States, each should exercise a share of power, and bear a share of public burdens proportioned to their respective ability. The ability of a State may be fairly estimated by its capacity for labor, the source of wealth. If men only were enumerated, there might be some reason for dropping a portion of the number of the slaves; yet even that is doubtful, as many of the freemen are idle, and belong to the unproductive class, whereas the men slaves are generally productive laborers; but why should five men or five children, who are unproductive, and have no political rights, be counted five, in proportioning the number of Representatives, while five negro men, productive laborers, are counted only three? A concession was indeed made in the Convention in proportioning the Representatives among the States; but it seems to me that the Southern States made it in agreeing to count only three-fifths of the slaves.

It has been said that the allowance to the slaveholding States of representation for three-fifths of the slave population was a great concession to the slaveholding States, but that the concession was definite; its full extent was comprehended, and it was a settlement between the original thirteen States. And none of these assertions seem to be correct. There were but twelve States in the Convention; therefore no settlement was made between thirteen States. And the Constitution says, that "new States may be admitted by the

Congress into this Union." The States thus admitted are entitled to representation for three-fifths of their slaves, by express words: "Representatives and direct taxes shall be apportioned among the several States which may be included in this Union, according to their respective numbers," &c. So that, if the new State is included in this Union, it shall have a representation according to its federal numbers, saith the Constitution. Therefore, the concession was not definite, nor its extent comprehended, as has been affirmed.

But why is the representation on this floor spoken of as the representation of the free population? Our constituents are the qualified electors only; but we represent the States, the whole population, and the whole wealth of the community. The ratio of representation is the main pillar of the Constitution, and it does not become those who are sworn to support it to be undermining its foundations.

It has been said that the States in which slavery is prohibited, ultimately, though with reluctance, acquiesced in what is called the disproportionate number of Representatives and Electors that was secured to the slaveholding States. But it appears by the Journal of the Convention, that, within twelve days after the Convention commenced its deliberations, the proposition to fix the ratio of representation, in the manner in which it was settled, was made by Mr. Wilson, of Pennsylvania, and immediately agreed to; nine States voting for it, among which were Massachusetts, Connecticut, New York, and Pennsylvania. It was, indeed, afterwards debated; and three propositions were offered to the Convention. The first was to enumerate free persons only; this was the proposition of Mr. Randolph of Virginia, and was ultimately voted for by New Jersey only. The second was to enumerate all persons; this was the proposition of Mr. Pinckney, of South Carolina, and was ultimately supported only by South Carolina and Georgia. The third was Mr. Wilson's proposition, to enumerate three-fifths of the slaves; which proposition was supported by the other States, and became a part of the Constitution. That mode of enumeration had been previously agreed on by the Old Congress, in April, 1783, for ascertaining the proportion of the public burdens that should be imposed on each of the United States.

It has been said that Congress have power to regulate commerce among the several States, and therefore may prohibit carrying slaves into Missouri. I answer, that a power to regulate commerce is not a power to prohibit commerce. The suppression of the slave trade does not depend on the power to regulate commerce alone. It is authorized by the clause which declares that Congress shall not prohibit the importation of slaves prior to 1808. The power of Congress is to regulate commerce among the several States, and not to regulate the commerce of a single State. No preference is to be given by any regulation of commerce, to the ports of one State over those of another. And if you were about to exercise one of your own Constitutional powers, I presume you would not call on Missouri to execute your power,

* By Mr. King, in his pamphlet.

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by inserting a clause in her constitution. The honorable member from Ohio claims for Congress power to "provide for the general welfare of the United States," and justifies the imposition of the restriction as a provision for the general welfare. If this power is granted by the Constitution, Congress possess absolute power, which, in Rome, was conferred on the Dictator by an authority to "take care that the Republic received no damage."

With a view to put an end to this claim on the part of Congress, of power to pass whatever law they please, which has been set up formerly, and may be set up again, it will be useful to examine how the first clause of the eighth section of the first article of the Constitution was understood by the Convention who formed it, and the people who adopted it. On the 6th of August, the clause in question stood in the draught of the Constitution thus: "The Legislature of the United States shall have power to lay and collect taxes, duties, imposts and excises." On the 18th a proposition was made to assume the State debts, which was committed to a committee. On the 22d Mr. Rutledge reported from that committee this amendment; at the end of the first clause of the first section of the 7th article, add, "for the payment of the debts and necessary expenses of the United States: provided," &c. On the 25th it was moved to add to the first clause of the first section of the 7th article, "for the payment of the said debts, and for defraying the expenses that shall be incurred for the common defence and general welfare;" which then passed in the negative. On the 31st the undecided parts of the Constitution were referred to a committee of eleven, who, on the 4th of September reported this addition and alteration; the first clause of the first section of the 7th article to read as follows: "The Legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States." The clause thus reported is pointed with commas only, throughout. On the 8th of September, a committee of five were appointed "to revise the style, and arrange the articles agreed to by the House." No question was afterwards taken on this part of the clause. And an entry made on the 14th September, after the revision was reported, proves the falsehood of those copies which separate this clause into two distinct clauses; it says, "add at the end of the first clause of the eighth section, first article, 'but all duties, imposts, and excises shall be uniform throughout the United States.'" It obviously appears, that a committee of eleven used the words "to pay the debts and provide for the common defence and general welfare of the United States," to express the same meaning as "for the payment of said debts, and for defraying the expenses that shall be incurred for the common defence and general welfare," the words of the amendment moved on the 25th of August. It is a limitation of the power of taxation, which the Convention intended should not be carried further than was necessary to pay the debts and provide for the general welfare. It confers a power to raise

money as a means of executing the other powers of the Government. How the clause came to be divided into two clauses, as it appears in some copies which may be deemed falsified copies, cannot perhaps be now ascertained.

Such was the explanation of the meaning of this clause given to the people when the Constitution was adopted; and no other meaning ought to be, or can be imposed upon it.*

If you possessed power to legislate concerning slavery, the adoption of the proposition on your table, which goes to emancipate all children of slaves hereafter born in Missouri, would be a direct violation of the Constitution, which provides that "no person shall be deprived of property without due process of law; nor shall private property be taken for public use without just compensation." If you cannot take property even for public use, without just compensation, you certainly have not power to take it away for the purpose of annihilation, without compensation. And if you cannot take away that which is in existence, you cannot take away that which will come into existence hereafter. If you cannot take away the land, you cannot take the future crops; and if you cannot take the slaves, you cannot take their issue, who, by the laws of slavery, will be also slaves. You cannot force the people to give up their property. You cannot force a portion of the people to emancipate their slaves.

* *Extract from the observations of Governor Randolph, a member of the General Convention, delivered to the Convention of Virginia.*

"This formidable clause does not in the least increase the powers of Congress. It is only inserted for the greater caution, and to prevent the possibility of encroaching upon the powers of Congress." And, after quoting the clause, he says, "The plain and obvious meaning of this is, that no more duties, taxes, imposts, and excises, shall be laid, than are sufficient to pay the debts and provide for the common defence and general welfare of the United States."

Extract from the observations of Mr. Marshall, (now Chief Justice of the U. S.) delivered on the same occasion.

After quoting the clause, he says, "the debts of the Union ought to be paid. Ought not the common defence to be provided for? Is it not necessary to provide for the general welfare? The amounts to be raised are confined to these purposes solely. They are not to raise money for any other purpose."

An exact transcript of the 1st clause of the 8th section of the 1st article of the Constitution of the United States, "as it regards the words, arrangement, punctuation, and capitals," made at the request of Mr. Smyth, by J. B. Colvin, Esq., Clerk in the Department of State, from the original Constitution signed by the Convention:

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[The next clause begins as a paragraph.]

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By adopting this proposition, you will have proved that the clauses of the Constitution deemed most sacred by the people, are not sacred with you. The Constitution was the work of politicians. The amendments were the work of the people. They are the parts of the Constitution which protect the rights of the people. The amendment which secures property, you are about to violate by emancipating, without the consent of the masters, the offspring of ten thousand slaves.

If your object is not to keep down the growth of the Western country; if you are not in pursuit of power and influence; if the future freedom of the blacks is your real object, and not a mere pretence, why do you not begin here? Within the ten miles square, you have undoubted power to exercise exclusive legislation. Produce a bill to emancipate the slaves of Columbia; or, if you prefer it, to emancipate those born hereafter. Can you take away the slaves hereafter born within the District without making compensation? I think you will not attempt it. And yet you will impose on others an obligation to do and suffer an act of injustice which you dare not attempt to do yourselves.

No people ought to be bound by laws to which they have not freely consented. Will you say that, by adopting your proposition, they have consented? Such is the traveller's consent when the robber demands his purse. You propose a contract which no righteous judge would respect; because you take advantage of, and abuse your power. Such would be the contract of an inexperienced youth, whose unjust guardian, some hoary extortioner, should compel him to convey away a part of his estate, before he would give him possession of the remainder.

The people of Missouri will be rightfully bound by our laws made for the whole Union; but we have no right to make local laws for the people of Missouri alone. We have no right to pass partial laws, that shall operate in some of the States, and not in others.

You cannot limit the new States in the exercise of their retained powers. Whether slavery shall exist or not in the new States, must depend on the free will of the State Legislatures, and of the people. If you can in this way prescribe the course of legislation on one subject, you can on any subject, or on every subject.

No State can be bound not to change its constitution. The same right which Pennsylvania has of self-government, every new State must possess of self-government. They are bound to adopt a republican constitution, for that is a law of the whole Union.

If you impose on Missouri the contemplated restriction, and Missouri forms her constitution accordingly, it will not be your act, but the act of Missouri that will become a law. Then suppose Missouri changes her constitution; as she made the law, she can repeal it. Your act can have no force, because not passed in pursuance of the Constitution of the United States. The acts of Congress, passed in pursuance of the Constitution, are laws; but the stipulations or declaration of Con-

gress, not authorized by the Constitution, are not laws; and they can have no sanction; for it is only the acts passed in pursuance of the Constitution that are the supreme laws of the land. If your act is a law, it needs not the aid or consent of Missouri; and if Missouri is to pass the law, Missouri may repeal it. But this, say our opponents, would be perfidious on the part of Missouri; they will not presume that Missouri would violate her plighted faith. They detest all perfidy except that which they themselves recommend. This would not be perfidy on the part of Missouri. The people of Missouri would only have eluded the effects of the perfidy of those who would have violated a solemn treaty.

It has seemed to some that as Ohio was required to form a constitution agreeing with the ordinance of Congress of 1787, which excluded slavery from the territory northwest of the Ohio river, therefore Missouri may be likewise required to exclude slavery by her constitution. Whatever be the effect of the ordinance of 1787, it has no application to Missouri. But I contend that Ohio is not bound by the ordinance; that she is at liberty to decide as she pleases the question, whether she will or will not exclude slavery.

Let us examine this claim set up on the part of the old Congress of a power to bind the people of the country northwest of Ohio, and their descendants forever, by a law not repealable by any legislation whatever, present or to come; a law which neither a convention of the people of Ohio, nor this Congress, nor any future convention or Congress, can repeal; a law immutable and eternal. If there is any principle of republican government about which there will be no disagreement in this House, I presume it is this: that all legitimate power is derived from the people, that there is no lawful authority to bind any people, but what is derived from them. This being, as I suppose, admitted, I will ask, had the Congress of 1787 a power, derived from the people, to bind any portion of the people and their descendants forever?

The State constitutions, which contain the only grants of power which had then been given by the people, did not mention such a body as Congress. The State legislatures, without any express authority for that purpose from the people, sent deputies to Philadelphia. These were ministers from distinct sovereign Powers, foreign to each other. They entered into a league by a treaty called "Articles of Confederation," which the several States ratified. The Articles of Confederation had the force of a ratified treaty. The powers thereby conferred on Congress were special enumerated powers; and all not granted, were expressly retained to the States. The only power of a legislative character, granted, was power to make rules respecting captures, and rules for the government of the land and naval forces of the United States. It may be justly questioned whether the State legislatures could, in this form, have granted legislative powers over the people. A power to legislate over the people must be delegated by them. It was deemed necessary to apply to the people when this constitution was formed.

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And for a further confirmation of the doctrine which I maintain, I refer every gentleman to the bill of rights of his own State constitution. It is thus laid down by the convention of New York: "No authority shall, on any pretence whatever, be exercised over the people, or members of this State, but such as shall be derived from, and granted by, them."

Virginia and other States ceded the country northwest of the Ohio river to the United States, as well the jurisdiction as the soil. What passed by the deed? I answer a right to the soil only; the jurisdiction could not pass to Congress. That body was incapable of receiving a grant of authority to legislate for the people northwest of Ohio; because they were the representatives of the States, and not of the people. The jurisdiction was in the people, or would vest in them, as soon as there should be people in the ceded territory. Whatever jurisdiction the Legislature of Virginia possessed, they possessed as representing the people of Virginia. The jurisdiction was derived from the people; it went with the people, and not with the right of soil.

If any are disposed to compare the cession of the Northwestern territory to that of the ten miles square, I will call their attention to this dissimilarity. The people of Maryland and Virginia, including those within the ten mile square, ratified the present Constitution, which vests in Congress power to exercise exclusive legislation over this District. The inhabitants of the ten miles square were also represented in the legislative assemblies which made the cession; but the people did not ratify the Articles of Confederation; nor did those articles vest in the old Congress power to legislate over any portion of the civil part of the community; neither were the people of the Northwestern territory represented in the legislative assemblies which made the cession thereof.

At the commencement of every new settlement, whether at Plymouth, or at Jamestown, at Botany Bay, or at Chillicothe, a government founded either in force or necessity may be expected to prevail for a time. Such was the government exercised by the old Congress northwest of the Ohio. But, such a government cannot bind a people forever. When they become independent, and come to frame a form of government for themselves, on republican principles, to maintain, that not only they, but also their posterity, are bound by the acts of the British Parliament, or the ordinances of the old Congress, is, I conceive, preposterous.

All legitimate power proceeds from the people. And although an illegitimate power may be imposed by force and submitted to from necessity, it cannot bind the people longer than the force and necessity are present. Such was the power which the British Parliament exercised before the Revolution over these then colonies; and such was the power asserted by the Congress of 1787 over the Northwestern territory. But, as the declaration of the British Parliament, that they had power to bind the colonies in all cases whatsoever, does not bind the people of these States; so the ordinance of 1787 does not bind the people of Ohio any longer

than they please to submit to it. It was an act of illegitimate power; and it cannot bind those who are the source of all legitimate power.

It is even doubtful whether the ordinance was duly passed. By the Articles of Confederation, the concurrence of nine of the States was necessary to important transactions. The power exercised was not given; and of the powers which were given, those of making appropriations, and treaties, most resemble the power exercised. It was necessary that nine States should concur in exercising either of these powers. Only eight States were present and concurring in passing this ordinance.

It has been said, that the restriction on the introduction of slavery, northwest of the Ohio river, was proposed by Virginia, and that the Southern States unanimously agreed to it. This is said to fix the character of inconsistency on Virginia. The fact is, that Virginia and the Southern States voted for the whole ordinance, when completed; but it is also true, that those States had repeatedly voted against the clause excluding slavery. In April, 1784, a vote was taken on this clause, when Maryland, Virginia, and South Carolina, voted against it; North Carolina divided, and Georgia absent. And although seven States voted for the clause, it was rejected; a proof that Congress then conceived that the concurrence of nine States was necessary to every clause of this ordinance; which they called a "compact." In March, 1785, Mr. King proposed a similar clause; Virginia, North Carolina, South Carolina, and Georgia, voted against it; eight States voted for the commitment of it, and it was committed. The member from Virginia, (Mr. GRAYSON,) to whom this measure is ascribed, was not a member of Congress in 1784.

My honorable friend from Massachusetts (Mr. HOLMES) was mistaken, when he supposed that the Congress of 1787 was bound by the ordinance of 1784, which did not exclude slavery from the Northwestern territory. They would have been bound, had any part of the land in Ohio been sold, not to change the ordinance of 1784, without the consent of Ohio. But no part of the land was sold, previous to the passage of the ordinance on the 13th July, 1787. I have examined that matter carefully, and am unwilling that the Committee should be under any erroneous impressions that I can remove.

I affirm that the people of Ohio, Indiana, and Illinois, are not eternally bound by the ordinance of 1787. They were no party to the pretended compact; and if they had been a party, they had no power to bind the present generation—they had no power to bind their posterity; the people of Ohio may change their constitution when they please.

It has been said that the Constitution vests in Congress a power to make all needful regulations respecting the territory of the United States; and this power, it is supposed, authorizes us to exclude slaves from the territories of the United States, and also to demand from any of those territories about to become States, a stipulation for the exclusion of slaves. The clause of the Constitution

referred to, reads thus: "The Congress shall have 'power to dispose of, and make all needful rules' and regulations respecting, the territory or other 'property belonging to the United States.'" It has been contended that this gives a power of legislation over persons and private property within the territories of the United States. The clause obviously relates to the territory belonging to the United States, as property only. The power given is to dispose of, and make all needful regulations respecting, the territorial property, or other property of the United States; and Congress have power to pass all laws necessary and proper to the exercise of that power. This clause speaks of the territory as property, as a subject of sale. It speaks not of the jurisdiction.* That the Convention considered as being provided for by the ordinance of Congress. This clause contains no grant of power to legislate over persons and private property within a territory. A power to dispose of, and make all needful regulations respecting the property of the United States, is very different from a power to legislate over the persons and the property of the people. When it was the intention of the Convention that the Constitution should convey to Congress power to legislate over persons and private property, they expressed themselves in terms not doubtful. Thus, they said, "Congress shall have power to exercise exclusive legislation in all cases whatsoever," within the ten miles square. But no such power to legislate over the territories is granted. The power is, to dispose of, and make all needful regulations respecting the property of the United States. When that is sold and conveyed, it ceases to be an object of the power to make regulations respecting the property of the United States; and if the construction contended for by our opponents be correct, and Congress possess power to legislate for a territory, that would not authorize them to make regulations which should continue in force when the territory became a State, and the United States ceased to own property therein.

The States of Ohio and Indiana have excluded slavery. They did it freely, and of their own choice. But will their representatives admit that those States are less free to decide on this question than other States? Will they declare that their States do not possess equal rights with Pennsylvania? Will they acknowledge that their States do not possess the same reserved rights that the other States of the Union possess? Will they agree that their States are States of inferior grade, bound by authority of Congress to exclude slavery? And will they, therefore, concur in imposing the same restrictions on their brethren of Missouri? I trust that they will not; that they will maintain the political equality of their own States with other States in the Union; and that they will leave it to the people of Missouri to decide the questions

for themselves, as the people of Ohio and Indiana have decided it for themselves. If these States deem themselves bound in chains, I hope they will not therefore desire to impose them on Missouri; and if they deem themselves free, they will generously impart the same freedom to others.

Sir, if this proposition is adopted, it will be regarded hereafter as an exercise of the power to guaranty a republican form of government to every State in the Union. You are about to admit a State, and you require her to insert in her constitution a clause against slavery. Will it not seem that you have done this by your authority to guaranty a republican form of government? I think it will; for you have no other power that seems to warrant prescribing in part the form of the State constitution. If, in the exercise of this power, you may require of a new State to insert in her constitution a clause against slavery, you may, under the same authority, require an old State to add such a clause to her constitution. Thus you may require of the old States to exclude slavery, or provide for its abolition. The slaveholding States must make common cause with Missouri; for the recognition of such a power in this Government would be fatal to them.

This nation is bound by the treaty with France for the purchase of Louisiana, to incorporate the inhabitants of the ceded territory into the Union of the United States, according to the principles of the Federal Constitution; to admit them to the enjoyment of all the rights, advantages, and immunities of citizens of the United States. Among the fundamental principles of the Constitution of the United States, are these: In fixing the ratio of representation, five slaves are to be counted equal to three free persons. Every State in the Union shall have a republican form of government. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

But the honorable member from New York, (Mr. TAYLOR) maintained that it is a principle of the Constitution of the United States, that all men are free and equal; and he asserted that "The American nation never sanctioned the right of slavery!"* The gentleman doubtless means to be correct in what he asserts to the Committee: But if he had asserted that "The American nation never sanctioned a right in its citizens to catch fish on the Grand Bank," the assertion would not have been more incorrect than that which he has made. As to that clause of the Declaration of Independence in which Congress stated their opinion that men were created equal, and that liberty was an inalienable right; it has the same force and effect, as a declaration of the like opinion by any other equal number of persons of the same ability and intelligence, having no political power. Congress was then composed of ministers from the States. Even the Articles of Confederation did not then exist; and they certainly did not confer on Congress

* This clause, as first proposed in Convention, read thus: "To dispose of the unappropriated lands of the United States; to institute temporary governments for new States arising therein." The latter power was not granted. See Journal Convention, page 260.

* This was Mr. Taylor's expression, though not thus reported.

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a power to emancipate slaves, when they did come into existence.

Suppose that the Congress of 1776 had declared their religious creed; would that have established a religion for the United States? I presume not. It would have been said that they had nothing to do with that subject. They were charged with the exterior relations of the colonies, and had no power to emancipate a single slave. They asserted that man cannot alienate his liberty, nor by compact deprive his posterity of liberty. Slaves are not held as having alienated their liberty by compact. They are held under the law and usage of nations, from the remotest times of which we have any historical knowledge, and by the municipal laws of the States, over which the Congress of 1776 had not, and this Congress have not, any control. We agree with the Congress of 1776, that men, on entering into society, cannot alienate their right to liberty and property, and that they cannot, by compact, bind their posterity. And, therefore, we contend that the people of Missouri cannot alienate their rights, or bind their posterity by a compact with Congress.

We are to understand this declaration of the opinion of Congress as they intended it should be understood. They certainly did not mean to say that such are the natural rights of man that they cannot be abridged by civil laws. They meant that an oppressed people may, if they are able, resist, and assert their freedom. They asserted the independence of the States against parliamentary usurpation: and that independence we maintain, except so far as it has been freely surrendered by the Constitution.

But the gentleman said that "the American nation never sanctioned the right of slavery." Sir, the old Congress expressly sanctioned the right of slavery, in September, 1782, when they passed this resolution: "*Resolved*, That the Secretary of Foreign Affairs be, and he is hereby, directed to obtain, as speedily as possible, authentic returns of the slaves and other property which have been carried off or destroyed, in the course of the war, by the enemy, and to transmit the same to the Ministers Plenipotentiary for negotiating peace."^{*} They sanctioned the right of slavery when they commissioned agents "to obtain the delivery of all negroes and other property of the inhabitants of the United States in the possession of the British forces, or any subjects of, or adherents to, His Britannic Majesty."[†] They sanctioned the right of slavery when they ratified the provisional and definitive treaties of peace with Great Britain, containing this clause: "His Britannic Majesty shall, with all convenient speed, without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies."[‡] They recognised the right of slavery in April, 1783, by providing for an enumeration of the free persons in the States, and three-fifths of the slaves.§ The

whole nation sanctioned the right of slavery, by adopting the Constitution, which provides for an enumeration of slaves, a representation founded thereon, and for the restoration of fugitive slaves to their masters, acknowledging the obligation of State laws, which hold men to labor or service. The Congress, acting under the Constitution, have sanctioned the right of slavery, by providing for an enumeration of slaves for the purpose of taxing them, by taxing them and making the tax a lien on them as property.* If the gentleman would have further proof, I refer him to the several acts for taking the census, in which slaves are included. To the acts prohibiting the slave trade, which allow the transportation of slaves from State to State for sale; and permit the sale, under the State laws, of the Africans captured.† And also to the act for dividing Louisiana into two Territories, which authorizes the removal of American slaves into that country.‡

Thus, as well the old Congress as the Congress under the Constitution, have, in the most explicit manner, recognised slaves, by that name, as property. It therefore appears that if the gentleman (Mr. TAYLOR) had been disposed to make an unfounded assertion to mislead the Committee, of which he is incapable, he could not have made one more susceptible of complete refutation than is that which he hazarded, when he said that "the American nation never sanctioned the right to slavery."

By treaty we are bound to admit Missouri into the Union; to allow her a representation for her slaves; to guaranty to her a republican form of government, (that is, a government by and for the people themselves, not a government imposed on them, nor a patrimonial government;) and to leave her all power not delegated by the Constitution to the United States, nor prohibited by it to the States. Treaties are in part the supreme law of the land, and paramount to the constitution of any State; yet you propose to violate the treaty with France by the means of a State constitution, which is of inferior obligation to a treaty.

It has been urged, not indeed at this session, as a reason for violating the treaty with France, that the present Government of that nation will not insist on the strict performance of its stipulations. Although the right of the people of Missouri rests on a treaty, the question arises between them and their own government; and it would be considered criminal in them to apply for protection to any other Government. But the former sovereign of the country has made a stipulation on behalf of the people, and to that stipulation we have agreed in the most solemn manner. If we do not perform our engagements, we shall be deemed a perfidious, faithless nation; and yet it has been proposed to violate the treaty, because the powerful Monarch with whom we made it reigns no more.

Will you be unjust, false, and perfidious, because you are powerful? Would it be honorable to vio-

* 1 vol. State Papers, page 333.

† 1 vol. State Papers, page 221.

‡ 1 vol. Laws, page 198. § 1 vol. Laws, page 31.

* 3 vol. Laws, pages 84, 100, 102.

† 4 vol. Laws, pages 96, 98.

‡ 3 vol. Laws, page 607.

late a treaty because those who claim the benefits of its provisions are our own citizens? Should the treaty with Spain be ratified, you will refuse to pay your own citizens for Spanish spoliation, because Spain, who stipulated on their behalf, is not likely to declare war against you if you do not? By your Constitution, a treaty is the supreme law of the land, and paramount to the constitution which you propose to force Missouri to adopt. You may, indeed, repeal the treaty by an act of Congress: but the effect of a measure of that kind should be well considered. And you must repeal the treaty directly or by implication before the proposed measure can have the desired effect: for the treaty, until it is repealed, is paramount to the imposed constitution; and the judges would sustain it.

Beware! You have no right to Missouri but what the treaty gives you. The treaty gives you Missouri, on condition that you secure the property of the inhabitants, and incorporate them into the Union of the United States, with all the rights of citizens, according to the principles of the Federal Constitution, which reserves to them all powers not delegated by that Constitution. If I receive a deed on condition, I am bound to perform the condition. Every engagement in a treaty is a condition, the breach of which releases the other party from his engagements.* Perhaps they are mistaken who suppose that the present Government of France is deficient in spirit and honor, and will not insist on the observance of existing treaties made with France. Would not England like to see France and the United States brought into collision? Would not all Europe be pleased to see the power of France interposed between the United States and Mexico? France wants colonies and commerce; and half the people of Louisiana are Frenchmen.

I have heard it said, in relation to this question, that if a territory is conquered, the conqueror may govern it as he pleases. But you did not conquer Louisiana. You received a deed of trust of this territory; and if you do not perform the trust, you have no title. It was said at the last session "we purchased the territory, and had a right to sell it; therefore we may annex such conditions to its admission into the Union as we please." It is true that you paid money for the territory, but you took a conditional deed, and are bound by the conditions in the deed. You have no right to sell it to a foreign Power; for you have bound yourselves to incorporate the inhabitants in the Union of the United States, according to the principles of the Federal Constitution. This promise cannot be fulfilled but by admitting them as States; for territories are not "incorporated in the Union of the States." The Constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." This was intended for the benefit of those citizens who should remove from one State to another. The treaty provides that the inhabitants of Louisiana shall be admitted "to the enjoy-

ment of all the rights, advantages, and immunities, of citizens of the United States." This provision is not for the benefit of the traveller from Louisiana; it is intended for the inhabitants of Louisiana in their States: that they shall have the same rights in their States that other citizens of the United States have in their States; consequently, that they shall possess the right of self-government.

It has been said, that although by treaty we are bound to maintain the inhabitants of Louisiana in their property until they are incorporated in the Union of the United States, the stipulation is but temporary, and not afterwards obligatory. It seems therefore to be inferred that we may take away their property after they have been admitted into the Union as a State, although previously it is secure. The name of no man can obtain respect for such an argument. When they shall be incorporated into the Union of the States, their property will be sacred. Can these inhabitants be incorporated in the Union of the United States, and their enjoyment of their religion, liberty, and property, be afterwards rendered insecure by Congress? The great advocate for depriving them of their property says, expressly, "Congress have no power to prevent the free enjoyment of the Catholic religion."† Then it is equally certain that Congress have no power to prevent the free enjoyment of property; for religion and property are alike secured to them by the same clause of the treaty, and by those provisions of the Constitution which declare that Congress shall make no law respecting an establishment of religion; that property shall not be taken for public use without just compensation; and that which declares that all power not delegated is reserved to the States and the people. What forms the Union of the United States? The Constitution. Then, to become incorporated in the Union of the United States, is to become a party to the Constitution—entitled to all the rights and privileges which it confers, and liable to all the duties which it imposes.

It has been said, that Congress alone are to judge of the expediency of admitting a State. If that was conceded, it would not follow that they should have power to *razee* a State—making a new class—by depriving the admitted State of equal rights. It might justify the refusal of Congress to admit the new State: but Congress have sanctioned the treaty—executed it, in part—by admitting one State, and selling the ceded lands. The expediency of the incorporation should have been considered before Congress sanctioned the treaty. It is now too late. The faith of the nation is pledged, irrevocably, and so is the faith of Congress.

You have not only pledged the public faith to France and the people of Louisiana, but you have made stipulation with the emigrants to that country, those emigrants being mostly slaveholders; for you have invited the slaveholders to go to Missouri, by freely admitting their slaves, which you excluded from the Territories of Indiana and Illinois. You have said in your laws to those emigrants from

* Grotius.

* Mr. King's pamphlet.

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the Southern States, "no man shall be deprived of his life, liberty, or property, but by the judgment of his peers, and the law of the land. If the public exigencies make it necessary, for the common preservation, to take the property of any person, or to demand his particular services, full compensation shall be made for the same."

It is said, you have made conditions with Louisiana, and it is contended that you may make conditions with Missouri. If you made conditions with Louisiana that you had no right to demand, that will not prove that you have a right to make any condition you please with Missouri. Let us examine those conditions. The first was a republican form of government. A good condition, because agreeable to the Constitution. The second, for religious liberty. This condition is supposed to be void, and that the people of Louisiana may require their officers to acknowledge a future state of rewards and punishments, as in Pennsylvania; or to be Christians, as in Maryland, New Hampshire, and Massachusetts; or to be Protestants, as in New York, New Jersey, and North Carolina. A third that the judicial proceedings shall be in the language of the judicial and legislative proceedings of the United States. This they would not submit to; but they agreed to use the language in which the Constitution is written. I suppose the condition is void, and that they may keep their records in any other language when they please. A fourth condition respects the public lands. This is useless. We have power to enact needful regulations on that subject; and do not depend on the constitution of Louisiana for any of our powers. A fifth condition is for the navigation of the river Mississippi, toll free. This they rejected; but you declared it a condition of their admission. The right depends not on your declaration; it depends on the law of nations, on former treaties, and on the power of Congress to regulate commerce. Suppose that they should impose toll on the navigation of the river; will you expel them from the Union? I presume that you will not.

I trust that the only inquiry that this Government will make in relation to the treaty with France, is, what have we engaged to perform? It will never condescend to inquire, what is the penalty if we violate our faith, and who will enforce it? Shall we, at the moment when our Envoy at the Court of Spain proclaims aloud, that this Government will punish perfidy, violate our faith pledged to France, because, as the great Napoleon no longer reigns, we expect the violation might pass unpunished? I hope we are not thus perfidiously to imitate Punic faith, by "paltering" with our engagements. When the future historian shall speak of your conduct and that of Ferdinand, he will say, "Ferdinand, in refusing to ratify the treaty negotiated with the United States, preferred the chance of war, and the risk of all his foreign possessions, to a violation of his faith pledged to three of his own subjects; but the United States violated a treaty ratified by the President and Senate, and confirmed by Congress, thereby depriving their own citizens of their property to an immense amount, consoling themselves

with the expectation that France would allow their perfidy to pass unpunished." Such will be his testimony; and the judgment of posterity will condemn you.

I will next examine the justice of the proposed measure. It is a principle of the Constitution that no advantage shall be given to some of the States over others. It was with a view to prevent partiality, that it was provided by the Constitution that import duties should be uniform, and that no export duties should be laid; that direct taxes should be laid according to the census; and that no preference should be given to the ports of any State. It is a sacred duty of Congress to do equal and impartial justice to every part of the Union.

Taxes may be laid to promote the general welfare of the United States. If \$15,000,000 of the money raised by taxes paid by the whole people, are appropriated to purchase a territory, is it just to exclude therefrom the inhabitants of a part of the States? The inhabitants of the slaveholding States being slaveholders, you exclude them, if you exclude their slaves, as effectually as you would exclude married men by a law that children and married women should not come into the territory. If you had power to enact such a law, the inequality of its operation should deter you from passing an act so partial and unjust.

Shall the slaveholders be declared incapable of holding any share of the territory purchased with the money of the whole people? Have they not contributed their full proportion of the money paid for the territory? By such a measure you will deprive the Southern people of an equal privilege, that of taking with them their families. Will you compel the citizen of Kentucky, the wants of whose children require more lands, when he is about to remove to Missouri, to sell the nurse who has fed his children from her breast, the faithful man who has long attended on his person, the maids of his wife and daughters, and the little children born in his family, before he can remove to the country of his choice? Yes; this you propose to do; yet talk of your humanity! We are told, with unfeeling apathy, by the great advocate of the measure under consideration, that "the slaves owned by the inhabitants might be sent for sale into States where slavery exists."

So far as the proposed measure may affect Virginia, it will be an unworthy return for the most generous liberality. A large portion of the country north of Ohio was within her chartered limits. Alone and unaided she conquered it from the common enemy. She ceded it to the United States for the common benefit, without any equivalent. She submitted to a regulation as unjust as it was unauthorized, by which almost the whole of her population were excluded from that fine country, once their own. And now, after she has paid her full proportion of the price of another country, it is proposed to exclude the people from that also.

The plan of our opponents seems to be to confine the slave population to the Southern States; to the countries where sugar, cotton, and tobacco, are cultivated; and this under pretence of human-

ity to the blacks. But do you not perceive, sir, that by confining the slaves to a part of the country where the crops are raised for exportation, and bread and meat are purchased, that you doom them to scarcity and hunger? Is it not obvious that the way to render the situation of those people more comfortable is to allow them to be taken to those parts of the country where bread and meat are produced in profusion, with little labor, and where, consequently, there is not the same motive to force the slaves to incessant toil, that there is in the countries where cotton, sugar, and tobacco are raised for exportation.

It is proposed to hem in the blacks in a sterile country, where they are hard worked and ill fed, that they may be rendered unproductive, and their race prevented from increasing. Yet in recommending the utility of this measure in diminishing the number of the negroes, occasion is taken to declaim against slavery, and to irritate the slaves against their masters; those very masters who are desirous to improve the condition of their slaves, by removing them to the fertile and extensive plains of the West.

The proposed measure, recommended under the mask of humanity, would be extreme cruelty to the blacks. You would not only doom them to scarcity and hard labor, but, by confining them to a particular district, where their numbers will be formidable, you will cause their chains to be rendered more weighty. The Southern people, seeing that they must rely on themselves for safety, will, if they have common prudence, take precautions for their security. Already the slaves experience the effects of your intermeddling with their situation. Since the incendiary speeches of the last session, Georgia has put a stop to manumission,* and North Carolina has essayed to put a stop to instruction.

If you are truly desirous that the slaves shall be treated with humanity, let them be as much as possible dispersed. The smaller their number in any district, the better will be their situation. It is well known that those farmers who have only two or three slaves, feed, clothe, and govern them as they do their children; while those of the great proprietors are not so well fed or clothed, more restrained, and more constantly engaged in labor. If, instead of favoring the dispersion of the slaves, a measure truly dictated by humanity, you confine them to the States wherein they now are, you will be as cruel as him who, when besieging an enemy's city, fired upon the women and children who attempted to come out, that, thereby, he might occasion a famine in the city as soon as possible.

I will next consider the effect which the proposed measure may have upon the safety of the community. There were in the United States, at the taking of the last census, of free whites 5,765,000, of slaves 1,165,000, or about one slave to five free whites. There were of free blacks 181,000,

making the whole number of the blacks about 1,346,000, there being more than four whites to one black. Now, it is apparent that, were these people equally dispersed in every district, county, and town, of every State, there would be no danger from any insurrectional movement by them in any part of the United States. Equal dispersion would produce not only an increase of comfort to the slaves, but also perfect security to the whites.

Let us suppose that, instead of being dispersed through ten of the States, as they now are, that the slaves were all collected in Virginia; that State would then have—whites 551,000, blacks 1,346,000, or about five blacks to two whites. What would be the consequence? Let Saint Domingo answer. But Virginia has actually 392,000 slaves, or about eight slaves to eleven white persons. She is yet safe, if her legislators have foresight, decision, and firmness. And I hope it will never be said of Virginia, "Died Abner as a fool dieth: thy hands were not bound, nor thy feet put into fetters."

As equal dispersion of the slaves would be perfect security, and concentration of them in a single State would be probable destruction, what may be said of the policy of the amendment on your table, which proposes to return upon the old States, or throw into Mississippi and Louisiana, where they are already too numerous, ten thousand slaves from Missouri. It is evident that the more you concentrate them, the greater the danger; the more you disperse them, the greater the safety. Where the proportion of the slaves to the free persons is too great, it ought, by all just means, to be lessened.

Dispersion is the true policy to pursue towards a distinct people, whose numbers in any part of an empire endanger its peace. Thus Salmanaizer dispersed the Israelites throughout his empire; and Vespasian, Adrian, and Constantine, dispersed the Jews. It was good policy in Valens to disperse the children of the Goths, in Asia. So in our own times, the British, finding that the Maroons were dangerous in Jamaica, transported them to Nova Scotia. Suppose that fifty thousand prisoners had been taken in the late war, would you have deemed it safe to have cantoned the whole of them in Vermont? Or would you not have dispersed them through several of the States? Doubtless you would have dispersed them. And for the same reason you should disperse the slaves.

In legislating with a view to the good of the whole community, you should favor the dispersion of this people as much as possible; and if you take no step for that purpose, at least place no obstacle in the way of those who are willing to receive them from us. As the proportion of the slaves to the whites is increased above a certain ratio, so is the State weakened. Tennessee or Missouri are not weakened by the slave population, in their ability to repel a savage foe, or any foe that can appear in the West; but the Southern States are weakened in their ability to repel an invading enemy, who should pursue the policy of Clinton, Howe, and Dunmore. If you encourage the Southern whites, who are not slaveholders to emigrate, but prevent the emigration of slaveholders, with their slaves, you change the propor-

* This law, noticed in the newspapers of 1819, is said to have passed before the debate alluded to. It prohibits emancipation, except by the Legislature or the consent of the master.

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tion of the blacks and whites, and weaken the weakest parts of the Union.

Although Virginia has a greater proportion of slaves than any State in the Union, except Louisiana, yet, on the subject of slavery, she is liable to no reproach. In her Declaration of Independence, which preceded that of the United States two months, she charged the British King with an inhuman use of his negative, in not suffering her, while a colony, to put an end to the slave trade. She did put a stop to the slave trade during the Revolution. In the convention of 1787, while New Hampshire, Massachusetts, and Connecticut, united with Maryland and the Southern States, to continue the slave trade for twenty years, Virginia united with New Jersey, Pennsylvania, and Delaware, to put an immediate end to it; but was unsuccessful.* The offence of kidnapping is one of the few offences for which the mild code of Virginia provides the punishment of death;† while Pennsylvania, as her Governor affirms, punishes that crime with greater lenity than the offence of horse stealing.‡ Virginia, indeed, keeps the blacks in a state of perpetual minority, because justice to her citizens and the safety of the community require it. And whatever the safety of the community requires is right and lawful.

The tendency of the proposition to create jealousies between the States, deserves serious consideration. It seems to me to be a sacred duty of those who govern this nation, to guard against every cause of division with the utmost care, and to practice forbearance. The Constitution was formed in a spirit of concession; and it has been, and will be, necessary to administer it in the same spirit. The people of the South deem the proposed measure a serious wrong. That circumstance alone should be a sufficient objection to any measure which cannot be shown to be essential to the preservation of the community. In the effects of the embargo we have seen how impolitic it is to adopt a measure against the general opposition of a large section of the country. We saw that measure repealed for want of power to enforce it; but not until it had produced extensive disaffection, which, in the last war, paralyzed the right arm of the United States, and led to that convention, which is now the subject of universal regret.

You are about to prove to the Southern and Western people that their property and their lives are unsafe under your Government; that you mean to violate their claim of a right to make laws for themselves. It will not be good policy to convince the Southern and Western people of this. Are you certain that injustice cannot have the effect of breaking the bands of the Union? Doubtless they are strong; but the attachment to life,

property, and the rights of freemen, is stronger. The States who hold slaves cannot consent that any State shall surrender to this Government power over that description of property. Its value amounts to five hundred millions of dollars. Power over it has not been granted to this Government for any purpose, except that of taxation; nor can power over it be obtained by the concession of particular States, or otherwise than by an amendment to the Constitution.

Every State is interested that every other State shall preserve its rights. The States should possess the same rights, so that the invasion of the rights of one should be the invasion of the rights of all. You will unite in opposition ten of the States; you will form local parties, the most dangerous of all parties; you will unite the State governments, defending State rights, to the people, defending their property to the amount of five hundred millions. Louisiana, being equally interested in the construction of the treaty, must make common cause with Missouri, and the other slavholding States may make common cause with them.

If you let the people of Missouri alone to exercise the right of self-government, as it is exercised by the people of the other States, perhaps they may of themselves exclude slavery. If such is their sovereign will and pleasure, be it so. Let the will of the people be done. But if you attempt to force your own will upon them, perhaps they may know and duly appreciate their rights. Then they will not give up the sacred right of self-government. The people who have not a right to legislate for themselves are not free. They do not enjoy a republican form of government. It would be an event to be lamented if any portion of this free people should give up their Constitutional rights.

This proposition is hostile to the Western country. It tends to retard the population of Missouri, and to put off the time when other Western States shall come into the Union. Let Ohio, Indiana, and Illinois, remember what portion of the Union is that which has uniformly favored the growth and prosperity of the Western country.* Let them remember what portion of the Union is that which was for giving up the navigation of the Mississippi to Spain.† Whence came the politi-

* Debates of the Convention of Virginia, 2d volume, p. 131. "My honorable friend gave a very just account of it when he said that the Southern States were on their guard, and opposed every measure tending to relinquish or waive that valuable right, [the navigation of the Mississippi.] They would not agree to negotiate, but on condition that no proposition whatever should be made to surrender that great right."

† Same debates, p. 123. "A similar commission was given to the honorable the Secretary of Foreign Affairs on the part of the United States, with these ultimatæ, 'That he enter into no treaty, compact, or convention whatever, with the said representative of Spain, which did not stipulate our right to the navigation of the Mississippi, and the boundaries as established in our treaty with Great Britain.'"

* See Journal of Convention, pages 291 and 292.

† Such was the law of 1792. The late revisal is not to be had here.

‡ Extract from the Message of the Governor of Pennsylvania, December 11, 1819.

"It is a melancholy fact, that our laws regard the stealing of a horse a more heinous offence than that of stealing a man."

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cian who solicited power to cede the navigation of the Mississippi to Spain? From New York.* [The CHAIRMAN (Mr. BALDWIN) decided that these remarks were not in order, being inapplicable to the subject before the Committee. Mr. S. appealed from the decision of the Chair. Mr. CLAY (the Speaker) made some remarks in favor of allowing considerable latitude in the debate. The question was not put, and Mr. SMYTH proceeded.] Who opposed the admission of the State of Illinois into the Union? An honorable member from New York.† Who opposed the admission of the State of Alabama into the Union? An honorable member from New York.‡ And who has proposed a measure calculated to impede the growth of Missouri, or to prevent her admission into the Union? An honorable member from New York.§ Sir, there seems to be more in all this than meets the eye. At the time of the adoption of the Constitution, it was said of the Eastern States, their language has been, "Let us prevent any new States from rising in the Western world, or they will out-vote us. We will lose our importance, and become as nothing in the scale of nations." This policy seems now to actuate some gentlemen of New York. Perhaps the politicians of that State see in the city of New Orleans a rising rival to their great emporium. Perhaps they see in the Mississippi and its tributary streams, the rival of the navigation of the North river, the grand canal, and the Lakes. Perhaps they see in Missouri the very State which, at no distant day, may balance the great Eastern State. If they see all this, it is not surprising that they are desirous to keep down the rising power of the West.

An object which, as has been avowed, this measure is intended ultimately to effect, and which it will in part effect, demands particular attention. That object is the manumission of the blacks, without either dispersing or colonizing them, to be effected by cooping them up in narrow bounds, until their increasing numbers, combined with scarcity and hunger, shall render it necessary to manumit them, for the purpose of getting rid of them. Let us inquire whether this object would promote the welfare of the community. Suppose that the slaveholding States were at once to emancipate their slaves, and increase the free black population to the number of two millions; let us inquire what kind of citizens they are like to become.‖ The historian, Edwards, says: The

Charaibes of St. Vincent, and the Maroon negroes of Jamaica, were originally enslaved Africans; and what they now are, the freed negroes of St. Domingo will hereafter be—savages in the midst of society, without peace, security, agriculture, or property—ignorant of the duties of life, and unacquainted with all the soft and endearing relations which render it desirable—averse to labor, though frequently perishing of want—suspicious of each other, and towards the rest of mankind revengeful and faithless, remorseless and bloody minded—pretending to be free, while groaning beneath the capricious despotism of their chiefs, and feeling all the miseries of servitude, without the benefits of subordination." That distinguished political philosopher, John Taylor of Caroline, is well acquainted with the free blacks of Virginia, and thus gives their character: * "A free negro and mulatto class live upon agriculture as agents of brokers, for disposing of stolen products. The situation of the free negro class is exactly calculated to force it into every species of vice. Cut off from most of the rights of citizens, and from all the allowances of slaves, it is driven into every species of crime for subsistence; and destined to a life of idleness, anxiety, and guilt. The slaves more widely share in its guilt than in its fraudulent acquisitions. They owe to it the perpetual pain of repining at their own condition, by having an object of comparison before their eyes, magnified by its idleness, and thefts, with impunity, into a temptation the most alluring to slaves; and will eventually owe to it the consequences of their insurrections. The whites will reap also a harvest of consequences from the free negro class, and, throughout all their degrees of rank, suffer much in their morals from the two kinds of intercourse maintained with it. If vice is misery, this middle class is undoubtedly placed in a state of misery itself, and contributes greatly to that of the other two."

It would seem that the situation of the blacks would not be improved, and that the state of society and the public interest would be greatly injured by this emancipation, should it take place. But perhaps it will be said that a partial and gradual emancipation is what is sought for. If a total emancipation would be a great evil, a partial emancipation would be a lesser evil. That such partial emancipation is an evil, Colonel Taylor, in the work I have quoted, has clearly proved.

What would be the effect produced on the peace and happiness of the United States were there in them two races of people, free and equal, averse to mingling—one viewing the other with contempt and scorn, the other regarding those who despised them with hatred and revenge? History affords some cases where, from difference of religion only, or of religion and descent, two people residing in the same country were utterly averse to each other. Such a case has generally produced conspiracies,

* In his work entitled "Arator," which no American farmer, planter, or politician, should be without.

P. 129. "The delegates of the seven easternmost States voted that the ultimata in the Secretary's instructions be repealed."

* Same debates, p. 129. "We were greatly surprised that it [a treaty of commerce] should form the principal object of the project, and that a partial or temporary sacrifice of that interest, for the advancement of which the negotiation was set on foot, should be the consideration proposed to be given for it. But the honorable Secretary (Mr. Jay) urged that it was necessary to stand well with Spain," &c.

† Mr. Tallmadge. See Journal, for the vote.

‡ Mr. Taylor. § The same.

‖ History West Indies, vol. 4, p. 197.

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massacres, and wars, until one of the two people were either expelled or exterminated.

Thus, in the reign of Nero, the Jews and Syrians alternately conspired against and massacred each other, without distinction or mercy. In the reign of Trajan, the same Jews butchered half a million of people in the provinces of Cyprus and Cyrene; they ate their flesh, drank their blood, and made girdles of their intestines. They revolted under Adrian, who killed six hundred thousand of them, and dispersed the residue. They revolted under Constantine, who cropped their ears, branded their bodies, dispersed and sold them as slaves.

The history of Spain furnishes a case well worthy of consideration. There dwelt two people, the one descended from the Goths, the other from the Arabs, differing in complexion as well as religion. They warred against each other during eight centuries; and this struggle terminated in the expulsion of one of the people. It was at the close of a similar contest that the Auritæ, many centuries before, were expelled from Egypt and driven into Palestine. At a period still more remote, the yellow Hindoos were expelled from India by a people of a different complexion.

About the year 378, the Romans deemed it necessary to adopt the cruel expedient of massacring two hundred thousand Goths, dispersed in the cities of Asia. If we descend toward modern times, we find, in 1002, the Danes residing in England were massacred by the English; and, in 1641, the English residing in Ireland were massacred by the Irish. Yet these were people who might have commingled without the one staining the other's blood.

We find that in the West Indies neither the whites and mulattoes, nor the negroes and mulattoes, can unite and live together in the same country in peace and friendship. Rigaud, the mulatto chief, declared that no peace would be permanent until one class of people (the whites or mulattoes) had exterminated the other; and Toussaint L'Ouverture, the negro chief, declared his intention not to leave a mulatto man alive in the country.* The whites have been exterminated, and the negroes and mulattoes have formed distinct and hostile communities.

Suppose that a general emancipation was to take place, and the two people were to commingle, what would be the effect on the character of your country throughout the civilized world? Would you be willing that your nation should become a nation of mulattoes, and be considered on a level with Hayti? Are the two races really equal? If so, how is it that the race of whites has produced so many civilized nations in ancient and modern times, and the race of African negroes not one?

The claims already made by the unannounced negroes in our country are really worthy of observation. They object with disdain to the plan of the Colonization Society for settling the free blacks in Africa. The plan, say they, is calculated to perpetuate slavery in the United States. They

claim that the slaves shall be emancipated, and remain in the country; that they and their posterity shall constitute a portion of the sovereign American people.*

Sir, it is necessary that every Constitutional effort shall be made, both by the General and State Governments, to effect the future peace of the two people. Let the ocean divide them. Let all except the full-blooded negro slave be colonized immediately, or with the least possible delay. Restore the original distinction, and let no middle caste remain in the country. Let the enslaved blacks be dispersed as much as possible; their situation will become more comfortable, and their chance of being emancipated will become greater; and, as they are emancipated, let them be immediately sent to the colony. For these purposes, let there be a rich colonization fund. You have a right to raise money to provide for the general welfare; and by no appropriation of money that you can make would you more promote the general welfare.

As the emancipation of the present race of blacks in this country cannot be effected, the tendency of the popular meetings, resolutions, pamphlets, and newspaper publications, respecting this question, merit notice and exposition. The philosophers, the abolition societies, and societies of friends to the negroes, in Europe, who were not at all interested in negro slavery themselves, produced the catastrophe of St. Domingo. The philanthropists, societies, and popular meetings of the North, are pursuing a similar course. Like causes produce like effects. Our philanthropists may acquire as good a title to the execrations of the Southern people as Robespierre and Gregoire acquired to the execration of the French people of St. Domingo.† Here I will offer the opinion of the historian Edwards, given after considering, with great attention and near observation, the events of St. Domingo. He says, "these reflections naturally arise from the circumstance, which is incontrovertibly proved in the following pages, namely, that the rebellion of the negroes in St. Domingo, and the insurrection of the mulattoes, had one and the same origin. It was not the strong and irresistible impulse of human nature groaning under oppression, that excited either of

* "No doubt," says Colonel Taylor, "can exist of the consequences of placing two nations of distinct colors and features on the same theatre, to contend, not about sounds and signs, but for wealth and power."

"Their manners," says Colonel Taylor, speaking of our Northern brethren, "will neither be improved, nor their happiness advanced, by sprinkling their cities with a yearly emigration of thieves, murderers, and villains of every degree, though recommended by the training of slavery, a black skin, a woolly body, and an African contour. Rewards and punishments are rendered useless by the lure of free negroes mingled with slaves, and by the reproaches to masters, and sympathies for slaves, breathed forth from the Northern States. Sympathies, such as if the negroes should transfer their affections from their own species to the baboons."

† "Perish the colonies," said Robespierre, "rather than sacrifice one iota of our principles."

* Edwards's West Indies, vol. 4, p. 52, 232.

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'those classes to plunge their daggers into the bosoms of unoffending women and helpless infants. They were driven to those excesses by the vile machinations of men calling themselves philosophers.* It appears that the proceedings of the abolition society in London, those of the society of friends to the negroes in France, and the writings and speeches of Gregoire, Robespierre, and others, stirred up the free people of color to claim equal rights, and these instigated the negro slaves to insurrection. Oge, the ambassador from the French reformers to the mulattoes, made a confession, wherein he detailed at large the measures which the colored people had fallen upon to excite the negro slaves to rise into rebellion.† Here we have a satisfactory proof of the ill effects of partial emancipation in a slaveholding country. Those very colored men who were first favored with a grant of their liberty were those who stirred up the slaves to revolt. The same thing happened in Jamaica, where the Maroons attempted to create a general revolt of the slaves, who had, says Edwards, "been accustomed, for the preceding seven years, to hear of nothing but Mr. Wilberforce, and his efforts to serve them in Great Britain. The negroes on every plantation in the West Indies were taught to believe that their masters were generally considered, in the mother country, as a set of odious and abominable miscreants, whom it was laudable to massacre."‡

Let us look the danger that threatens us in the face. Let us contemplate a revolt in its progress and consequences. "Such a picture of human misery; such a scene of woe presents itself as no other country, no former age, has exhibited. Upwards of one hundred thousand savage people avail themselves of the silence and obscurity of the night, and fall on the peaceful and unsuspecting planters, like so many famished tigers, thirsting for human blood. Revolt, conflagration, and massacre, everywhere mark their progress; and death in all its horrors, or cruelties and outrages, compared to which immediate death is mercy, await alike the old and the young, the matron, the virgin, and the helpless infant. The rage of fire consumes what the sword is unable to destroy; and, in a few dismal hours, the most fertile and beautiful plains in the world are converted into one vast field of carnage; a wilderness of desolation.§

Such is the "glorious cause," the cause of unredeemed and unregenerated human beings," spoken of by an orator of the last session; whose fault it does not seem to have been, that his speech has neither produced assassination nor insurrection. Such, it seems to us, is the fate which our philanthropists are preparing for us. If we escape it, we shall owe our escape to our strength, foresight, and vigilance, and not to the good will of our philanthropists. Upon this great question, which involves the construction of the Constitution, and of a treaty with a foreign Power, we

have memorials laid before us. Town meetings instruct us in our duty, and tell us *their* construction of the Constitution and the treaty. This is ridiculous enough. But what is entitled to more serious attention is the declaration of the Governor of New York, that the restriction should be imposed on Missouri, "*whatever may be the consequences.*" It seems that this eminent politician would prefer civil war, servile war, or the severance of the Union, to not imposing a restriction that will exclude the planters of the South from Missouri. Such a declaration, from such a man, is alarming. The consolidation of the Union was the great object of the statesmen who gave us the Constitution. It was the first wish of their hearts. They desired to establish justice, and insure domestic tranquillity; but they never thought of emancipation of slaves as the means. They desired to establish justice. Your plan violates justice, by depriving the people of their property without compensation. They desired to insure domestic tranquillity. You destroy it. No necessary concession was too great for them to make to secure the Union. They even granted to Delaware an equal vote with Pennsylvania in the Senate. But, to the politicians of the present day, union seems of little importance; for, the proposed restriction must be imposed on Missouri, "*whatever may be the consequences.*"

I will offer the sentiments of that Assembly of Virginia which deputed members to the Federal Convention, as applicable to the present discussion, and worthy of adoption.

"The crisis [say they] is arrived at which the good people of America are to decide the solemn question whether they will, by wise and magnanimous efforts, reap the just fruits of that independence which they have so gloriously acquired, and of that Union which they have cemented with so much of their common blood, or whether, by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution. The same noble and extended policy, and the same fraternal and affectionate sentiments which originally determined the citizens of this Commonwealth in uniting with their brethren of the other States in establishing a Federal Government, cannot but be felt with equal force now, as motives to lay aside every inferior consideration, and to concur in such further concessions and provisions as may be necessary to secure the great objects for which that Government was instituted, and to render the United States as happy in peace as they have been glorious in war."

Such having been the sentiments of the generation who preceded us, shall we now part, about a question, whether blacks who are slaves on the east side of the Mississippi may or may not be removed to the west side of that river? Shall our mutual forbearance and brotherly affection cease? Shall we become, as brothers irritated sometimes do become, the worst of foes? Before such an event is produced, before our friendship falls, like Lucifer, to rise no more, let us remember past events, and contemplate our future prospects. Shall the Union be destroyed, and the future fame, power,

* 4 Edwards's West Indies, preface, xv.

† Same, page 53. ‡ 1 Edwards, Appendix, p. 371.

§ 4 Edwards's West Indies, pp. 68, 69.

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and happiness of the nation lost? May heaven avert a calamity, the consequences of which would be to blast the fairest hopes of mankind.

But why should we ask of heaven to avert a calamity which we may avert ourselves? Are there none here who would wish to have it recorded that they are the men who saved the Union; that to them is due the future glory of the nation, and the benefits which she shall confer on the world? Now is the moment for the Decii of the North to signalize themselves; to laugh the presumption of town meetings to scorn. Yes; even to sacrifice their own inclinations, and their own opinions, on the altar of their country.

If I am asked why we do not sacrifice our inclinations and opinions, I answer, we conceive that the proposed measure violates the Constitution. It is not pretended by any one that it would violate the Constitution to omit this restriction. We conceive that the proposed measure threatens our safety, at a period not remote. No one can reasonably allege that to omit the restriction would endanger the safety of the powerful people of the North.

I will not apologize for having taken up some of your time. I have raised my feeble voice for the preservation of the Union, and all its happy and glorious results; for the rights of the States; for the rights of the people; for justice, humanity, and domestic tranquillity; to preserve our citizens from massacre, our wives and daughters from violation, and our children from being impaled by the most inhuman of savages.* Whatever may be the result, I have done my duty.

MONDAY, January 31.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the Chief Engineer, with sundry documents in relation to the expenditures on the Military Academy at West Point; the number and names of cadets educated at that place; and of the sums necessary to be appropriated for said Academy for each of the succeeding three years, rendered in obedience to the resolution of this House of the 27th ultimo; which was ordered to lie on the table.

Mr. SERGEANT, from the Committee on the Judiciary, reported a bill to repeal the act, entitled "An act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SERGEANT, from the same committee, to whom was referred the memorials and astronomical calculations of William Lambert, reported a joint resolution authorizing the President of the United States to cause astronomical observations to be made, to ascertain the longitude of the Capitol, in the City of Washington, from some known

*4 Edwards's West Indies, p. 75. "Their standard was the body of a white infant, which they had recently impaled on a stake." P. 79. "All the white, and even the mulatto, children, whose fathers had not joined in the revolt, were murdered."

meridian in Europe; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. CAMPBELL also made a report on the petition of John B. Regnier, accompanied with a bill for the relief of the said Regnier; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill from the Senate, entitled "An act to provide for obtaining accurate statements of the foreign commerce of the United States," was read the third time, and passed.

AMENDMENT TO THE CONSTITUTION.

Mr. BALDWIN submitted the following resolution and proposition of amendment to the Constitution of the United States:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

That Congress shall make no law to erect or incorporate any bank, or other moneyed institution, except within the District of Columbia; and every bank, or other moneyed institution, which shall be established by the authority of Congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia.

The resolution was read twice, and committed to the Committee of the Whole on the state of the Union.

NAVY HOSPITAL FUND.

Mr. SILSBEE submitted the following resolutions, which were read, and agreed to by the House:

1. *Resolved, That the President of the United States be requested to lay before this House an account of the annual receipts of hospital money, under the act of July 16th, 1798, and March 2d, 1799, up to the 26th February, 1811; and, from that period, an account of the annual receipts under the first mentioned act, to the 30th September, 1819, distinguishing the districts within which collected; also, an account of the annual expenditures of said hospital money, the district within which expended, the hospitals erected, the places where, the regulations under which, expenditures are made, the present state of the marine hospital fund, and how invested.*

2. *Resolved, That the Commissioners of Navy Hospitals be directed to lay before this House an account of the annual receipts of hospital money, under the act of March 2d, 1799, from the 26th February, 1811, to September 30, 1819, together with an account of the annual expenditures of the same; the district within which expended, the hospitals erected, the places where, the present state of the Navy Hospital fund, and how invested.*

Mr. SILSBEE and Mr. SAMPSON were appointed a committee to present the first resolution to the President of the United States.

THE MISSOURI BILL.

The House then again resolved itself into a Committee of the Whole, (Mr. BALDWIN in the

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chair,) on this bill—Mr. TAYLOR's motion, to impose on the proposed State a restriction respecting slavery, being still under consideration.

Mr. SMYTH, of Virginia, resumed the argument which he commenced on Friday, against the restriction, and spoke until near 6 o'clock. This speech is given in full, in preceding pages.

TUESDAY, February 1.

Mr. McLANE, of Delaware, presented a petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying the attention of Congress to their important undertaking, and for such aid as Congress may, in their wisdom, deem sufficient to enable them to revive and prosecute their work; which was referred to the Committee on Roads and Canals.

Mr. KENT, from the Committee for the District of Columbia, reported a bill authorizing the sale of part of the glebe of Rock Creek Church, in the county of Washington, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Monday next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report upon the subject of prohibiting the importation of cotton, woollen, and iron manufactures, with his remarks upon the effect which such prohibition would produce, and the means of supplying the deficit in the revenue which would be thereby occasioned; which was ordered to lie on the table.

Mr. PINDALL submitted the following proposition of amendment to the standing rules and orders of the House; which was read, and ordered to lie on the table for one day:

"Stenographers who may be desirous to report the debates, shall, previous to their admission to tables within the House, swear that they will truly, and, according to the best of their knowledge, without addition, diminution, or alteration, report the debates, or so much thereof as they shall at any time publish; that in every such report they will, as far as is practicable, adhere as well to the language as to the purport or substance of the remarks made by the members; and that they will not importune any member for, or receive from any member, directly or indirectly, advice, for any written note or memorandum, with intent therefrom to make any such report."

THE MISSOURI BILL.

The House then again went into Committee of the Whole, on this bill—the proposed restriction still under consideration.

Mr. REID, of Georgia, addressed the House. That this was a question deeply interesting to that quarter of the Union whence he had the honor to come, was the only apology he urged for offering his opinions to the Committee.

The subject (he continued) is said to be delicate and embarrassing. It is so, and particularly in one point of view. The sentiments, to which the heat and ardor of debate gave expression, will not expire here, like the broken echoes of your Hall! They will penetrate to the remotest corners of the nation, and may make an impression upon the

black population of the South, as fatal, in its effects to the slave, as mischievous to our citizens. This is not mere idle surmise. In a professional capacity, I was recently concerned for several unhappy beings, who were tried and convicted of a violation of the laws, by attempted insurrection. They had held conversations, as the testimony developed, with certain itinerant traders, who not only poisoned their minds, but incited them to rebellion—by proffered assistance. Such influence have the opinions of even the most depraved and ignorant white men upon this unfortunate race of people. But the subject is neither delicate nor embarrassing, as it is considered to imply reproach, or a high offence against the moral law—the violation of the liberty of our fellow-men. Such imputations "pass by us as the idle wind, which we respect not." They are "barbless arrows, shot from bows unstrung!" The slaveholding States have not brought this calamity upon themselves. They have not voluntarily assumed this burden. It was fastened upon them by the mother country, notwithstanding the most earnest entreaties and expostulations. And, if the gentlemen were well acquainted with the true state of slavery in the South, (I speak particularly of Georgia, for my information extends little farther) I am very sure their understandings would acquit us of the charges which their imaginations prefer.

An honorable gentleman, from Virginia, (Mr. SMYTH) remarked yesterday, incidentally, that the debates of the last session upon this subject occasioned Georgia to interdict emancipation by an act of her legislature. The honorable gentleman has been misinformed. The act of 1818, to which he has allusion, was designed more completely to carry into effect the provisions of a law prescribing the manner of manumitting, and which had been enacted several years before. It may be proper to remark, that the discussion of the bill to admit Missouri had its commencement, at the last Congress, some time after the adjournment of the Georgia Legislature. Certain it is, that the statute book of that State contains no law by which it is declared that slaves cannot be made free.

Sir, the slaves of the South are held to a service which, unlike that of the ancient vassal, is certain and moderate. They are well supplied with food and raiment. They are "content, and careless of to-morrow's fare." The lights of our religion shine as well for them as for their masters; and their rights of personal security, guarantied by the Constitution and the laws, are vigilantly protected by the courts. It is true, they are often made subject to wanton acts of tyranny; but this is not their peculiar misfortune! For, search the catalogue of crimes, and you will find that man—the tyrant—is continually preying upon his fellow-men; there are as many white as black victims to the vengeful passions and the lust of power! Believe me, sir, I am not the panegyrist of slavery. It is an unnatural state; a dark cloud which obscures half the lustre of our free institutions! But it is a fixed evil, which we can only alleviate. Are we called upon to emancipate our slaves? I answer, their welfare—the safety of our citizens,

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forbid it. Can we incorporate them with us, and make them and us one people? The prejudices of the North and of the South rise up in equal strength against such a measure; and even those, who clamor most loudly for the sublime doctrines of your Declaration of Independence, who shout in your ears, "all men are by nature equal!" would turn with abhorrence and disgust from a party-colored progeny! Shall we then be blamed for a state of things to which we are obliged to submit? Would it be fair; would it be manly; would it be generous; would it be just; to offer contumely and contempt to the unfortunate man who wears a cancer in his bosom, because he will not submit to cautery at the hazard of his existence? For my own part, surrounded by slavery from my cradle to the present moment, I yet

"Hate the touch of servile hands;
"I loathe the slaves who cringe around."

and I would hail that day as the most glorious in its dawning, which should behold, with safety to themselves and our citizens, the black population of the United States placed upon the high eminence of equal rights, and clothed in the privileges and immunities of American citizens! But this is a dream of philanthropy which can never be fulfilled; and whoever shall act in this country upon such wild theories, shall cease to be a benefactor, and become a destroyer of the human family.

It is said, however, to be high time to check the progress of this evil; and that this may be best done by inhibiting slavery beyond the Mississippi, and in Missouri, which prays to be admitted as a State into the Union. It is important to consider if this project be consistent with the Constitution of the United States. The States formed the Constitution in the capacity of sovereign and independent States, and the Constitution is the instrument by which they conveyed certain power to the General Government. This is evident, not only from the nature of the Government formed, and in every line of the Constitution, but it is a doctrine distinctly asserted in the ninth and tenth articles of the amendments. "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people;" and the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Hence, it will follow, that the several States retain every power not delegated by the Constitution to the General Government; or, in other words, that in all enumerated cases, the several States are left in the full enjoyment of their sovereign and independent jurisdictions. The author of the *Federalist* (which work is admitted to contain a correct exposition of the principles of the Constitution) has said "that, with respect to the extent of its powers, the Government cannot be deemed national, since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects." In aid

of this conclusion, if any thing were necessary to sustain it, it may be cited, as a maxim of sound national law, that sovereign States can only be deprived of their rights by voluntary consent or by conquest. It would seem, then, that the Constitution must be construed strictly, whenever the rights of the State sovereignties become the subject of dispute; and strictly, where the right of personal liberty, personal security, or private property are questioned.* Because the citizen of the United States is the citizen also of another independent government, whose laws he is bound to obey, unless where this duty has been transferred to the General Government, by the express words of the Constitution itself. If it were otherwise, we should find the United States continually engaged in a struggle with the States, to enforce the obedience of the citizen. Such contests, it is easy to perceive, would tarnish, if not destroy, the golden chain by which our federative Government is held together. They would lead to gradual usurpations of power, by which your Constitution would be made a dead letter, and your republican institutions exist only in name. Proceeding upon these principles, let us endeavor to ascertain in what part of the Constitution that power is delegated which would authorize you to adopt the amendment proposed by the member from New York. The grant of powers to the Congress is chiefly contained in the eighth section of the first article; and you will certainly not find therein any authority to inhibit slavery in any part of the Union, in any Territory, or in any State about to be admitted into the Union.

The 9th section commences with this clause: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." It may be said, very plausibly, that the words "migration" and "importation" are here used synonymously; but let us give to every word in the clause an appropriate meaning, and then we will see whether the word "migration" is the little source whence mighty effects of evil are to flow upon the country. Certainly, the framers of the Constitution desired to destroy a traffic, of all others the most cruel and iniquitous; a trade stained by the blood, and drenched in the tears of humanity! By inhibiting "the importation after 1808 of such persons as any of the States then existing thought proper to admit," it was intended to convey a power to prevent the introduction of Africans into the United States. By inhibiting the "migration," after 1808, of such persons—for the Constitution, it appears to me, still refers to Africans, and I express this opinion with deference and humility—may it not have been intended the more effectually to provide against evasions of the laws interdicting the importation of slaves? The object was to prevent the accumulation of this species of property. It was well

* Vide Tucker's Blackstone.

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known to the founders of our Government that so soon as the importation was declared to be illegal, the slave merchant would resort to every artifice which ingenuity and avarice could devise for the purpose of effecting a violation of the laws. Suppose him to place his slaves upon a foreign territory, adjacent to the United States. They are permitted or instructed to pass the boundary, and, when within our limits, an associate in villany is ready to receive them. In the possession of this person they are found, and he is put upon his trial for importing contrary to law. He defends himself by proving an *alibi*—by showing, as far as negative proof can show, that he had in no wise been concerned in the importation. But it is objected that the fact of possession, with the circumstances of language and complexion, will produce an inference of his guilt not to be mistaken. What then? Base as he is, will he not entrench and fortify himself by perjuries and subornations of perjury? Will he not make out a case by which it shall appear that the victims of his cupidity sought a protection, which he could not withhold—that they *migrated*, and were not *imported*? What, then, is the effect of the United States statute which only prohibits importation? The strict construction of a penal law will not permit it to reach the case. The result must be, that the luckless Africans are left to the operation of the State laws, and, in all probability, sold as slaves, thereby advancing the evil which the Legislature was endeavoring to destroy. May it not have been to guard against such frauds, shifts, and artifices, that the word “migration” was inserted in the Constitution? But the meaning of this word is fixed and limited by the express words of the clause in which it occurs. “The migration of all such persons as any of the States now existing think proper to admit.” To what description of persons does the Constitution allude? But one of two answers can, it seems to me, be rationally returned to this question. The allusion is either to Africans, who were the proper subjects of the slave trade, or white persons coming from foreign lands. If this be so, how can the Constitutional provision be so far wrested from its purpose as to be made to apply to the removal of slaves from one State to another, or to a Territory—slaves, who are recognised as the objects of property by the Constitution itself? If the solemn covenant of our liberties can be thus abused, it is no longer to be esteemed oracular, or, if it resemble an oracle, it is only because its responses are involved in doubt and obscurity.

I find nothing more to afford even a colorable pretext for the proposed restriction, until we come to these words: “New States may be admitted into the Union.” The single word “may” is supposed to be the depository of the power so anxiously sought; and, it is said, if Congress can admit a new State, the Constitution being silent as to the condition to be imposed, the State about to be admitted may be fastened with any condition not specially interdicted by the Constitution itself. This is a *non sequitur*. It is a conclusion most lame and impotent; in direct hostility with the

letter as well as the spirit of the Constitution! It is not enough that the Constitution is silent, to authorize the Congress to speak or to act; for Congress is the creature of the Constitution, and must look to it for open, declared, and positive direction. What the Constitution dictates is to be done; what it prohibits is to be avoided; but when it is silent, Congress possesses not authority to direct citizens or States. These must, then, be controlled by their own independent governments. Let it be remembered that the Constitution, being in derogation of State rights, must be construed strictly. This clause of the 3d section of the article, then, only allows to us the power to receive or to reject, without qualification or condition, a State making application to be admitted into the Union.

But there is a condition, without which a State cannot be admitted into the Union; and it is to be found in the 4th section of the 3d article: “The United States shall guaranty to every State in the Union a republican form of government.” Now, “guaranty” means, if I at all understand the signification of words, “to undertake that certain stipulations shall be performed.” These stipulations can only be found in the constitutions of the States, where they must constitute “a republican form of government.” If this be so, then, at the moment a new State is admitted, the same guaranty which applies to the original States extends to her also. She must, consequently, have been in the possession of “a republican form of government” at the time of entering the Union, because it would be preposterous to imagine that to be guarantied of which she was not possessed—that to be secured to her, which, in fact, had no existence. It results, then, that without “a republican form of government” a State cannot come into the Confederacy; and is not the necessity to possess it a *sine qua non*, or condition, without which the new State cannot be admitted? Sir, this condition, being expressed, operates to the exclusion of every other. “*Expressio unius est exclusio alterius*,” is a sound maxim both of common law and common sense.

But, it is objected, slavery is incompatible with that “republican form of government” which the State admitted must possess. We must receive words according to the intention of those who utter them. And we must give construction to the Constitution, by considering all the parts of that instrument together. South Carolina and Georgia were slaveholding States at the time the Constitution was framed and adopted, and yet, in its eye, these were considered to possess republican forms of government. Besides, the right of the citizen to possess slaves is expressly recognised by the instrument of which we speak. I need scarcely advert to the 2d section of the 1st article, wherein the representation is determined; to the permission to import, until a given period, in the 9th section of the 1st article; and to the 2d section of the 2d article, where the relations of master and servant are distinctly asserted. It is evident, then, that a state of domestic slavery was entirely out of view, when the founders of the Confederation determined

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to "guaranty to the several States a republican form of government."

The Constitution of the United States is plain and simple; it requires no superiority of intellect to comprehend its dictates; it is addressed to every understanding; "he who runs may read." It is, then, a proof of the absence of all authority for the proposed measure, when its advocates, and some, too, of great names, fly from clause to section and from section to article, without fixing "rest for the sole of the foot;" without finding or agreeing upon any one line, phrase, or section, whence this power for which all contend may be brought into existence. And it is perfectly natural that this effect should be produced. A search for the philosopher's stone might as soon be expected to end in certainty.

But it is argued that Congress has ever imposed restrictions upon new States, and no objection has been urged until this moment. If it be true, that only one condition can constitutionally be imposed, it would seem that any other is null and void, and may be thrown off by the State at pleasure. And then this argument, the strength of which is in precedent, cannot avail. Uniformity of decision for hundreds of years cannot make that right which at first was wrong. If it were otherwise, in vain would science and the arts pursue their march towards perfection; in vain the constant progress of truth; in vain the new and bright lights which are daily finding their way to the human mind, like the rays of the distant stars, which, passing onward from the creation of time, are said to be continually reaching our sphere. *Malus usus abolendus est.* When error appears, let her be detected and exposed, and let evil precedents be abolished.

It is true that the old Confederation, by the 6th section of the ordinance of 1787, inhibited slavery in the territory northwest of the Ohio, and that the States of Illinois, Ohio, and Indiana, have been introduced into the Union under this restriction.

Sir, the ordinance of 1787 had an origin perfectly worthy of the end it seems destined to accomplish. It had no authority in the Articles of Confederation, which did not contemplate, with the exception of Canada, the acquisition of territory. It was in contradiction of the resolution of 1780, by which the States were allured to cede their unlocated lands to the General Government, upon the condition that these should constitute several States, to be admitted into the Union upon an equal footing with the original States. It is in fraud of the acts of cession by which the States conveyed territory in faith of the resolution of 1780. And, when recognised by acts of Congress, and applied to the States formed from the territory beyond the Ohio, it is in violation of the Constitution of the United States. So much for the efficacy of the precedent which, although binding here, is not, it would seem, of obligation upon Ohio, Indiana, or Illinois, or, if you impose it, upon Missouri. It is not the force of your legal provisions which attaches the restrictive 6th article of the ordinance to the States I have mentioned. It

is the moral sentiment of the inhabitants. Impose it upon Missouri, and she will indignantly throw off the yoke and laugh you to scorn! You will then discover that you have assumed a weapon that you cannot wield—the bow of Ulysses, which all your efforts cannot bend. The open and voluntary exposure of your weakness will make you not only the object of derision at home, but a by-word among nations. Can there be a power in Congress to do that which the object of the power may rightfully destroy? Are the rights of Missouri and of the Union in opposition to each other? Can it be possible that Congress has authority to impose a restriction which Missouri, by an alteration of her constitution, may abolish? Sir, the course we are pursuing reminds me of the urchin who, with great care and anxiety, constructs his card edifice, which the slightest touch may demolish, the gentlest breath dissolve.

But let us stand together upon the basis of precedent, and upon that ground you cannot extend this restriction to Missouri. You have imposed it upon the territory beyond the Ohio, but you have never applied it elsewhere. Tennessee, Vermont, Kentucky, Louisiana, Mississippi, and Alabama, have come into the Union without being required to submit to the condition inhibiting slavery; nay, whenever the ordinance of 1787 has been applied to any of these States, the operation of the 6th article has been suspended or destroyed. According, then, to the uniform tenor of the precedent, let the States to be formed of the territory without the boundaries of the territory northwest of Ohio remain unrestricted, and in the enjoyment of the fulness of their rights.

Thus, it appears to me, the power you seek to assume is not to be found in the Constitution, or to be derived from precedents. Shall it, then, without any known process of generation, spring spontaneously from your councils, like the armed Minerva from the brain of Jupiter? The Goddess, sir, although of wisdom, was also the inventress of war—and the power of your creation, although extensive in its dimensions, and ingenious in its organization, may produce the most terrible and deplorable effects. Assure yourselves you have not authority to bind a State coming into the Union with a single hair! If you have, you may rivet a chain upon every limb, a fetter upon every joint. Where, then, I ask, is the independence of your State governments? Do they not fall prostrate, debased, covered with sackcloth and crowned with ashes, before the gigantic power of the Union? They will no longer, sir, resemble planets, moving in order around a solar centre, receiving and imparting lustre. They will dwindle to mere satellites, or, thrown from their orbits, they will wander "like stars condemned, the wrecks of worlds demolished!"

The ordinance of 1787 has been called, and is called, in your laws, an irrevocable compact with the good people beyond the Ohio. Sir, there is a compact equally irrevocable; as I think, more so, which governs the destinies of the extensive region beyond the Mississippi. I mean the treaty of 1803, by which Louisiana was ceded to the United

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States. This is indeed a compact formed by two independent nations, parties able to contract. The ordinance of 1787 was a mere legislative provision, by which you bound your vassal; who could not oppose your wishes, who was in your power, and subject to your authority. It possesses not the force and effect of a solemn treaty.

The third article of the treaty declares that "the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States."

How are the inhabitants to be "incorporated in the union of the United States?" Certainly by admitting the Territory to which they belong as a State or States into the Union "according to the principles of the Federal Constitution." I confess myself so dull, as to be able to give no other construction to the words of the treaty. Argument is of none effect when it attempts to make that which is self-evident still more apparent. These inhabitants are to be placed, too, in a political situation, in all respects equal with that of our own citizens. It follows, then, that citizens of the United States having the power, under the Constitution, to possess property in slaves, and to remove that property whithersoever they will, the check or limit upon this power being imposed only by the State sovereignties, the inhabitants of Louisiana cannot be fairly in possession of "all the rights, advantages, and immunities, of citizens of the United States," unless they possess this also. The treaty of 1803 is the supreme law of the land, and must be obeyed. Obedience consists in admitting Missouri, which is a part of the then Territory of Louisiana, as a State into the Union, upon the sole condition that she shall possess a republican form of government.

There are some, I understand, who think Congress has the power to impose this restriction upon the territory of the United States, although it cannot be forced upon a State, at the moment of admission, and they find their text in the following words of the Constitution: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States." Without stopping to inquire how far a provision excluding slavery comes within the meaning of "needful rules and regulations," how far, under authority to make rules and regulations respecting the territory of the United States, Congress can make laws affecting the rights of property; how far the citizen of the South, who has an equal claim with his brother of the North, to the lands on the west of the Mississippi, can be deprived of the Constitutional privilege of enjoying his property in that country; it is enough for me that the treaty of 1803 interposes, to prevent the enactment of any condition interfering with the liberty, religion, or property of the inhabitants of Louisiana. The article I have just quoted, after providing for the incorporation of the ceded territory into the Union, runs thus: "And, in the mean time, they (the in-

habitants) shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess." Now, slaves were property at the time of the ratification of the treaty, and therefore within its meaning. Giving to the words "in the mean time," the construction they would seem to demand, it must follow that, until the inhabitants are "incorporated in the Union according to the principles of the Federal Constitution," their right to possess this species of property is guaranteed by the treaty. It cannot be said to the slaveholder who becomes an inhabitant of Louisiana, "you shall leave your slaves behind you." His only and conclusive reply is in the words which I have read. He bids you preserve that good faith which the law, the dignity of which is settled by the Constitution, inculcates. He insists that, upon the instant he becomes an inhabitant of Louisiana, his right to his slaves is both recognised and sanctioned. He surely does not insist in vain, for all civilized Governments respect, or affect to respect, the solemnity of the treaties. Can you refuse obedience to this, after the high language which you have used towards the Spanish Court? If you do, even the gravity of the adored Ferdinand will relax into a smile, I dare not say of contempt, but certainly of distrust.

I beg leave to offer a few words upon the expediency of this amendment, and I declare myself at a loss to divine the motive which so ardently presses its enactment. It is said that humanity, a tender concern for the welfare, both of the slave and his master, is the moving principle. And here I cannot refrain from repeating the words of a periodical writer, as remarkable for his good taste as the justness of his sentiments: "The usual mode," says he, "of making a bad measure palatable to a virtuous and well-disposed community, is that of holding it up as conducing to some salutary end, by which the whole people are eventually to be greatly benefited. It is thus that every mischievous public measure is sheltered behind some pretext of public good." But it is a question which deserves consideration, whether, if slavery be confined to its present limits, the situation of the master or the slave, or both, will be made better? Will not the increased number of slaves, within a given space, diminish the means of subsistence? Will not the number of masters diminish as the number of slaves increases? And what are the consequences? Extreme wretchedness, penury, and want, to the slave; care, anxiety, imbecility, and servile war to the master! Then, indeed, will be produced what the advocates of this amendment so much deprecate—tyranny, in all its wantonness, on one hand, despair and revenge on the other. At this moment the situation of the Southern slave is, in many respects, enviable. Adopt your restriction, and his fate will not be better than that of the mastiff, which howls all day long from the kennel, where his chains confine him. But, let the dappled tide of population roll onwards to the West; raise no mound to interrupt its course, and the evil, of which we on all sides so bitterly complain, will have lost half its power to harm by dispersion. Slaves, divided

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among many masters, will enjoy greater privileges and comforts than those who, cooped within a narrow sphere, and under few owners, will be doomed to drag a long, heavy, and clanking chain through the space of their existence. Danger from insurrection will diminish. Confidence will grow between the master and his servant. The one will no longer be considered as a mere beast of burden; the other as a remorseless despot, void of feeling and commiseration. In proportion as few slaves are possessed by the same individual, will he look with less reluctance to the prospect of their ultimate liberation. Emancipations will become common, and who knows but that the Great Being, to whose mercies all men have an equal claim, may, in the fulness of his time, work a miracle in behalf of the trampled rights of human nature? Sir, humanity, unless I am egregiously deceived, disclaims those doctrines, the practical result of which is to make the black man more wretched, and the white man less safe. She turns with shivering abhorrence from the fetters which, while you affect to loosen, you clasp more firmly around the miserable African.

But, let gentlemen beware! Assume the Mississippi as the boundary. Say, that to the smiling Canaan beyond its waters, no slave shall approach, and you give a new character to its inhabitants, totally distinct from that which shall belong to the people thronging on the east of your limits. You implant diversity of pursuits, hostility of feeling, envy, hatred, and bitter reproaches, which

"Shall grow to clubs and naked swords,
"To murder and to death."

If you remain inexorable; if you persist in refusing the humble, the decent, the reasonable prayer of Missouri, is there no danger that her resistance will rise in proportion to your oppression? Sir, the firebrand, which is even now cast into your society, will require blood—ay, and the blood of freemen—for its quenching. Your Union shall tremble, as under the force of an earthquake! While you incautiously pull down a Constitutional barrier, you make way for the dark, and tumultuous, and overwhelming waters of desolation! If you "sow the winds, must you not reap the whirlwind?"

Mr. CLAGETT, of New Hampshire, rose and addressed the Chair as follows: Mr. Chairman, when I reflect that the subject under consideration involves a Constitutional question of the first magnitude, in which the whole Union is deeply interested, I confess I feel fully sensible of my own inability to perform that duty which I owe to those I represent, and to my country. Nor am I insensible to the solicitude felt by this honorable body, while this discussion proceeds. But as equal solicitude, and, probably, greater, agitated the Convention who formed our Constitution, when the same subject was before them; and, as their deliberations closed, so, I hope ours will, in a spirit of amity. Theirs was the greater task; they had a compromise to make: we find it already made; they had a Constitution to form: we find one already formed. With these impressions, and a full

sense of my own responsibility for the course I pursue, and for the motives by which I am governed, I ask your attention to the brief view of the subject which my best reflections enable me to present. And, sir, it will be my endeavor to avoid every thing contrary to that spirit of harmony so desirable; and I regret that any remarks should have been made which may require animadversion or retort.

The bill under consideration provides that the inhabitants of that portion of the Missouri Territory, within certain boundaries, be authorized to form for themselves a constitution and State government, &c., and when formed, said State shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, provided, &c.; and the amendment immediately before us provides "that there shall be neither 'slavery nor involuntary servitude in the said 'State, otherwise than in the punishment of 'crimes, whereof the party shall have been duly 'convicted,' &c.

Sir, in order to decide correctly on the amendment, we must necessarily consider the merits of the bill, and this will lead to the inquiry, what are the claims of the people of Missouri? They arise from the Treaty of Paris, of 30th April, 1803, whereby the French Republic ceded the then colony or province of Louisiana to the United States in full domain and sovereignty; the third article of which stipulates "that the inhabitants 'of the ceded territory shall be incorporated in 'the union of the United States, and admitted as 'soon as possible, according to the principles of the 'Federal Constitution, to the enjoyment of all the 'rights, advantages, and immunities of citizens of 'the United States; and, in the mean time, they 'shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Sir, after the ratification of this treaty, and while I had the honor of a seat in the Eighth Congress of the United States, (some honorable members of which body I have the pleasure to recognise in this Hall,) a resolution, offered I believe by an honorable gentleman from Virginia, now in his seat, was before the House of Representatives, and was nearly to this effect: "Resolved, That 'provision ought to be made for carrying into 'effect the treaty and conventions concluded at 'Paris, 30th of April, 1803, between the United 'States of America and the French Republic." That resolution was fully discussed, and was adopted, by ayes and noes, a great majority being in the affirmative. Sir, that resolution had my best consideration, and I felt myself bound to give my vote in the affirmative. The same motives which then operated upon my mind still govern me, and I feel myself bound to give this treaty full effect; and this, I think, we may do in good faith, the restriction of slavery notwithstanding. The treaty stipulates that "the inhabitants of the 'ceded territory shall be incorporated into the union 'of the United States, and admitted as soon as 'possible, according to the principles of the Federal Constitution, to the enjoyment of all the

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'rights, advantages, and immunities of citizens of the United States,' &c. Beyond this the treaty does not, and could not, guaranty. What, then, are the principles of our Constitution, and what the rights of the citizens of the United States? Sir, the principles are more pure, and the rights greater, than are enjoyed by any other people on earth. Such principles and such rights as began to unfold in the Congress of 1774. View their proceedings from that time to the adoption of this Constitution, and you will perceive an ardent struggle for freedom and the rights of man.—Among the men who supported these principles were those who declared your independence; who proclaimed to the world these truths: "That all men are created equal: that they are endowed by their Creator with certain inalienable rights; among which are life, liberty, and the pursuit of happiness; and who, in support of those principles, and invoking the aid and protection of Divine Providence, pledged to each other their lives, their fortunes, and their sacred honor."

Sir, is not this pledge binding upon us? Surely it is. Some of these were the men who effected your Confederation, established that invaluable ordinance of 1787, containing the fundamental principles of civil and religious liberty, as the basis of all governments in that Territory, and the rule of admission of new States into the Union, and by which slavery was excluded from said Territory forever. Many of the same men were among those who formed your Constitution, which is founded upon the same principles.

But it has been said, that, from these "principles" will flow dangerous consequences, and that the Declaration of Independence, the Articles of Confederation, and the ordinance of 1787, were usurpations of power, and have no relation to the subject before us. Sir, is it possible? I hope my ears deceived me; but I thought an honorable gentleman from Massachusetts (Mr. HOLMES) applied the appellation "official friends," "self-created societies," a mixture of black, white, and gray, to those statesmen and patriots who contended for these "principles." Sir, who are they? Permit me to mention some of their names.—Among them were John Hancock, Thomas Jefferson, John Adams, Benjamin Franklin, Patrick Henry, James Monroe, James Madison, Peyton Randolph, Elbridge Gerry, Samuel Adams, Oliver Wolcott, John Langdon, William Henry Lee, Henry Laurens, Josiah Bartlett, Roger Sherman, and, when not leading your armies to victory, George Washington. Some of these statesmen yet live; others are no more, but their names will be had in perpetual memory. [Here Mr. H. rose, and said "the gentleman's ears deceived him." Mr. C. replied, he should be happy to excuse the honorable gentleman from Massachusetts, and wished him to designate to whom his epithets applied. Mr. H. not complying, Mr. C. proceeded.] Sir, my organs of hearing are pretty good; the sound still vibrates. But it was also said by the same honorable gentleman—"a man is sick; and these officious friends will endanger his life."

Sir, our beloved country was sick, and these

"officious friends," by the application of these "principles," saved her from dissolution. The spark of liberty was preserved till it burst into a flame, never, I hope, to be extinguished. But, says the same honorable gentleman, "the friends of this amendment are advancing principles, the effect of which will cause our throats to be cut;" but keep cool, say the gentlemen. Mr. Chairman, what are the "principles" alluded to? Are they found in the Declaration of Independence, (already cited,) in the ordinance of 1787, or in the Constitution? Permit me to read a few lines of this ordinance: "And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in said Territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest; it is ordained, &c., article sixth, there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid." Are these the "principles" at which gentlemen take alarm, and from which such dreadful consequences will ensue? I hope not. This ordinance deserves high consideration; it contains pure republican principles, which do honor to those by whom they were established. But we have been told this ordinance is inapplicable to the subject before us; but I think otherwise. Sir, it was established for the government of that extensive Territory northwest of the river Ohio, within which the three States of Ohio, Indiana, and Illinois, have been formed, and since admitted into the Union; and from which States slavery has been wholly excluded. Sir, those who formed it, sensible of its importance, took care in the first session of the first Congress, after the adoption of this Constitution, to recognise and re-establish this ordinance by law: and can we believe, that, had the people of Missouri then been within the territory of the United States, they would not have been placed under the government of the same ordinance? No, sir, we cannot believe it; and, indeed, this ordinance has since been applied to them, by the law of 26th March, 1804, and the executive, legislative, and judicial power of Indiana extended to, and exercised over them. But the gentleman from Massachusetts admits that this ordinance is not wholly inapplicable; but applies it to territories only, and not to States: but, sir, it clearly applies to both; and was established as a school, in which, previous to their admission into the Federal Councils, they were to be taught re-

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publican principles; those "principles" for which we now contend, and to which Ohio, Indiana, and Illinois, strictly conformed. Do those States complain? Are they too free? No, sir, they rejoice in their freedom, as, I sincerely hope, will yet be the case of the people of Missouri.

But, said the same honorable gentleman from Massachusetts, "the friends of this amendment have served up, for our entertainment, six dishes; neither of which is palatable; have attempted to pass six pieces of coin, five of which are counterfeit; and have offered six reasons, neither of which is conclusive."

Sir, as I have been accustomed to domestic productions, in a simple style, if I may be allowed to pursue the figure used by the gentleman, I am perfectly satisfied with what has been "served up," and am sorry it does not suit the honorable gentleman's taste.

As to coin, sir, I have but one piece; it is an eagle from the Mint of the United States; a gift from my friends; it has borne the test of the crucible, and has been pronounced, by the best assayers, pure gold. Sir, I hold it in my hand, (the Constitution) and, if even the honorable gentleman should have scruples, I have no doubt it will pass current here. As to reasons in support of my positions, I have sought for them in this same Constitution, and think I have found them; but as to numbers, whether six, more, or less, I am not tenacious, provided they are sufficient for my purpose.

Sir, this Constitution is a sacred compact, the result of an amicable compromise between the original States in this Union, then, individually sovereign and independent of each other; but, when this Constitution was formed, no State remained completely or perfectly sovereign; but each, "in order to promote the general welfare," divested herself of a portion of sovereignty, and in the exact ratio that power was granted to the General Government. And this is apparent from the nature of things; from the address of the Convention to the Congress, and from the very preamble to the Constitution, which I will read: for there is not a word in it without its appropriate meaning—it follows: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Here, sir, the great objects of this Constitution unfold; and, in construing it, these objects should be kept steadily in view.

I have said, no State in the Union is perfectly sovereign; yet I would not be understood to derogate from that State sovereignty retained. "The powers not delegated are reserved to the States respectively, or to the people;" and upon the present subject, though I shall not consider the words "general welfare" vague, as some seem to suppose them, I shall not rest my argument upon them, but readily admit that we must seek for express delegated power, and, if we find it, then exercise such powers as the "general welfare" may require.

Mr. Chairman, I have said that, among the statesmen who formed this Constitution, were many of those who subscribed to the Declaration of Independence, the Act of Confederation, and established the Ordinance of 1787; and in all their proceedings it evidently appears that they considered slavery as a great evil, and inconsistent with those pure principles of liberty for which they contended; and in no act is this more apparent than in that ordinance by which slavery is expressly excluded from all the Territory and States northwest of the river Ohio, forever. But the same subject was among the most perplexing and painful in the Convention who formed the Constitution, as appears by their journals. Slavery had been introduced, indeed, under a Government whose principles were not congenial with ours. It was an existing evil in our land, and could not be immediately eradicated, but it could be restricted, and further extension of the evil prohibited. After much agitation, this course was amicably agreed upon, as clearly appears from the Constitution: leaving it, however, with such original States where the evil existed, to regulate their own internal concerns, and giving to Congress full power over this subject in all other respects, but suspending the operation of that power until the year 1808.

Sir, let me ask your attention to the 9th section of the 1st article of the Constitution; and, if we keep in view the principle contended for, the object to be attained, it would seem that we must come to a correct conclusion. "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Sir, plain as this section really is, different constructions have been attempted. The honorable gentleman from Massachusetts, last mentioned, has facetiously called upon the friends of this amendment to agree. Sir, I have perceived no material disagreement on this side of the question, but have noticed a little on the other, and must be permitted to retort the remark. The honorable gentleman contends that the term "migration" applies only to free persons, (emigrants;) but the honorable gentleman from Virginia, (Mr. SMYTH,) who followed on the same side, contends that it applies only to slaves; and here the two honorable gentlemen seem to be at issue. But the honorable gentleman from Massachusetts frankly confesses that his "first impressions led him to the opinion that the term migration, as here used, applied only to slaves." Sir, I am convinced the "first impressions" of the honorable gentleman from Massachusetts were correct; and that "first impressions" should not be too soon surrendered. But, sir, the words "migration" and "importation," though different in signification, both apply here to the same persons—to "such persons as any of the States now existing shall think proper to admit." Migration, in common parlance, is the act of removing from place to place; and, as used here, can only mean from State to State; because the

compact was between States, and was intended to protect non-slaveholding States, against the intrusion of slaves, and to restrict them within the States where the evil was tolerated. "Importation" means bringing from abroad, and can have no other meaning, and was intended to prevent the farther introduction of slaves from abroad.

The words "such persons as any of the States now existing shall think proper to admit," show that all the States did not think proper to admit; and the fact is well known that six only of the thirteen original States did then admit slaves; seven (which were a majority) were opposed to their admission; but all entered into this compact, as the best and only remedy in their power; suspending the operation of the power of Congress upon the original States until 1808, when it was believed, restrictions even upon the original States might safely commence, but, without any limitation or suspension of power over the subject, as to new States. But, it has been said, that "migration" applies only to white emigrants. Sir, if there can be a doubt that slaves are the persons intended, the 5th article of the Constitution will remove it; for that article is wholly in favor of slaveholding States, and provides, that "no amendment of the Constitution, prior to 1808, shall affect the 1st and 4th clauses in the 9th section of the 1st article, which wholly apply to slaves. The 6th article of the ordinance of 1787, excluding slavery from new States, but permitting reclamation of fugitives from original States only, must, from its analogy to the 9th section and 1st article of the Constitution, have been in view of the Convention when the Constitution was formed, and has a strong bearing on this subject. Can it then be doubted that Congress have a superintending and complete power over this subject, except only as to the internal regulations in the original States? And did not Congress commence this work by a law of 1807, which took effect on the 1st day of the year 1808? Sir, they did; and I think we are bound to pursue it.

By the third section and fourth article of the Constitution, "Congress have power to dispose of and make all needful rules and regulations as to the territories and other property of the United States." This power has been exercised, and with a special view to exclude slavery from territories, and to prepare such territories for State government. And, sir, by the same article of the Constitution, it is declared, that "new States may be admitted by Congress into this Union;" not that Congress shall admit, at all events, but leaving it with Congress to admit, or not admit, a State into this Union, as the "general welfare" may require? And why is it so? Because, by the fourth section of the same article, "the United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion, and against domestic violence." Sir, with this view of the subject, can we doubt the course we should take? Is slavery consistent with republican principles; or with the "general welfare" of this nation? I think not. Sir, I have endeavored to show that

we have a Constitutional right to prohibit the farther introduction of slavery into the new States, and I have shown that slavery has been prohibited in Ohio, Indiana, and Illinois; and no new State, except Louisiana, has ever been admitted without this restriction, where it could be applied. The States of Kentucky, Tennessee, Mississippi, and Alabama, were carved out of original States, and, though other conditions were annexed, this restriction could not, Constitutionally, be annexed as a condition of their admission. As to the admission of Louisiana, without this restriction, I leave others to decide how far that act accords with sound principles and policy; but that Congress had power to enforce this restriction, I have no doubt, indeed the numerous and unusual conditions of her admission evince the power.

Why then, Mr. Chairman, should Missouri claim what we have denied to our other citizens and sister States; and, indeed, what, in my judgment, we have no power to grant? This bill proposes to admit Missouri into the Union "upon equal footing with the original States;" but, sir, the words "equal footing with original States" are not found in the Constitution, but in the ordinance of 1787, which excludes slavery for ever. And here is another striking evidence that those who established this ordinance did not consider slavery among the federal or common rights guarantied, by the Constitution, to new States. And when we consider that in the Convention which formed the Constitution were many of the same men who established this ordinance; and when we compare the sixth article of the latter with the ninth section of the first article of the Constitution, and perceive their striking analogy, how can we doubt of the meaning of the Constitution?

But it is said the people of Missouri demand this right, under the treaty of 1803. Sir, the Constitution is paramount to the treaty; and any stipulation inconsistent with the Constitution would be, *ipso facto*, void; but no such stipulation is found. We may give this treaty full latitude; we may admit Missouri, as a State, "into the Union of the United States, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States," agreeably to this treaty, the amendments to this bill notwithstanding; slavery not being among the federal rights stipulated in the treaty, nor guarantied by the Constitution. All this is consistent with that construction of the Constitution for which I contend.

But I never can consent to admit the people of Missouri, who were not citizens of the Union when the Constitution was formed, to rights which seven of the thirteen original States had not, nor claimed, when that Constitution was adopted, nor possessed when this treaty was ratified, and which eleven States have not now. Sir, this compact was between the original States; a majority of whom, at least, were opposed to slavery; and they provided a remedy for the evil; the compact is sacred, and must be carried into effect. Sir, the free people I have the honor to represent have, by their constitution, excluded slavery, and believe

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it *malum in se*, and my own sentiments sincerely accord with theirs. To admit this evil, then, would, as to myself, be a departure from those principles which ought, and, I hope, ever will govern me. But we are charged with inhumanity and hypocrisy; it is even said that we profess a disposition to relieve while we are attempting to confine them within narrow limits, in order to effect their extermination! Sir, there is no foundation for this charge; there is yet room enough, and to spare, in the slaveholding States, for all the natural increase; but if, by importation or otherwise, it should become necessary, they may be sent to Africa, or elsewhere, from whence they came.

Mr. Chairman, if we are willing to place the people of Missouri upon an equal footing with our own citizens and sister States, (all other things being equal,) can we do more; or can they, reasonably, ask more?

The Constitution, under which they claim admission, guaranties to every State in this Union freedom—a republican government; and distinctly points to an existing evil, incompatible with the principles established for its basis, and prescribes the best and only remedy. The time has arrived when this solemn compact should be carried into farther effect, in which the whole nation is deeply concerned, and upon which their prosperity and happiness materially depend; and this can be done without clashing with the rights, or detracting from the happiness of the good people beyond the Mississippi. This compact being between the thirteen original and (then) sovereign States; and the people of Missouri, or Louisiana, not being a party, have no right to complain. We would receive them into the Union, with open arms, to the enjoyment of all the Constitutional privileges which appertain to them, and would cheerfully invite them to the blessings of a free government, beyond which are not extended to any other people on earth; but we cannot surrender those pure, un-mixed principles of liberty, purchased at so high a price, and which our best patriots have labored to secure.

Mr. Chairman: Look back to times which tried the "principles" of men; to the Congress of 1774, and examine the proceedings of those men to the adoption of the Constitution; the professions and the acts of those patriots all speak the same language, and tend to the same object—civil and religious liberty, the rights of man; and then say, if we can so far depart from their principles, as to extend slavery over this free and happy land. Is there no evil in this traffic? Why were Congress so assiduous to enforce the ordinance of 1787, upon our citizens now of Ohio, Indiana, and Illinois? Why was your law of 1807 prepared to meet the first day of the year 1808, when you could first prohibit the importation of slaves into the original States?

Why are your statute books replete with penal laws against this evil? And why are your ships of war ordered to cruise against the offenders, capture and bring them in for punishment?

Sir, at the last session of Congress you appropriated no less than one hundred thousand dollars

to carry these laws into effect; extend this evil, and you must enlarge your fleets; your Treasury will be exhausted!

What will your laws avail, if you suffer this new field, this immense market, to be opened for slaves?

But, sir, what will the nations of the earth think of us? What shall we think of ourselves? Can we extend this evil over so fair, so extensive a portion of the globe; even to the Pacific Ocean? No, sir, we cannot. Let us close the door against this great evil, and evince to an attentive world that we are just, as well as free.

And now, sir, I will only ask your attention to an extract from Mr. Jefferson's Notes on Virginia, wherein, when treating on slavery and its concomitant evil consequences, that distinguished statesman makes the following *impressive and solemn* remarks: "Indeed, I tremble for my country, when I reflect that God is just; his justice cannot sleep forever. The Almighty has no attribute which 'can take side with us, in such a contest.'"

Mr. DOWSE, of Massachusetts, followed on the same side, and advocated the restriction near half an hour.

Mr. RANDOLPH, of Virginia, next rose, and, after a few remarks from him, indicative of an intention to address the House on the question, he moved that the Committee should rise; when the Committee rose, and obtained leave to sit again.

WEDNESDAY, February 2.

On motion of Mr. CAMPBELL, the Committee on the Public Lands were instructed to inquire into the expediency of providing by law for obtaining a copy of the plans and field notes included in the Ohio Company's purchase.

On motion of Mr. ANDERSON, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing the President of the United States to appoint a receiver of the public money, and register for the land office, of Laurence county, in the Territory of Arkansas.

Mr. PINCKNEY rose to offer a resolution. He remarked, that in the year 1812, the Legislature of South Carolina passed a law to prevent duelling, which had had great effect in putting a stop to it; but it was discovered that, in certain cessions of territory in the harbor of Charleston and elsewhere, to the United States, the State had omitted to retain a proper jurisdiction over the ceded ground, upon which, consequently, the State authority could not go, either to prevent the violation of the State laws, or to arrest those who had fled from justice. With the view of remedying this evil, he moved the adoption of the following resolution, which was read and agreed to:

Resolved, That a committee be appointed to consider of the expediency of restoring to all the States the jurisdiction of the territory ceded to them for forts and arsenals, so far as respects the execution of their State laws for the prevention and punishment of crimes, and recovery of debts.

Mr. PINCKNEY, Mr. MERCER, and Mr. McLANE, of Delaware, were appointed the said committee.

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Banks of the District.

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BANKS OF THE DISTRICT.

Mr. KENT, from the Committee for the District of Columbia, to whom was referred the petitions from the several banks within the District of Columbia, and a resolution directing an inquiry into the expediency of prohibiting the circulation within the said District, of notes of a denomination under five dollars, made a report thereon, accompanied with a bill concerning the banks of the District of Columbia, and for other purposes; which was read twice, and committed to a Committee of the Whole, on Saturday next. The report is as follows:

The Committee on the District of Columbia, to whom were referred sundry petitions with respect to the banks of the District, and a resolution directing an inquiry into the expediency of prohibiting the circulation within the same of notes of a denomination under five dollars, have, according to order, had the same under consideration; and, after much deliberation and reflection, prepared a bill in relation thereto, which accompanies this report.

In the prosecution of the various inquiries to which the attention of the committee was directed, they were impressed with the belief that most serious injury would result to the District from an effort, at this time, suddenly to call in a considerable part of the debt due to the several banks. While the price of the staple commodity of the Potomac market is unusually depressed, such a measure would expose to sale, at a great sacrifice, much of the real property of the District—would totally prostrate its remaining commerce—and prove alike injurious to all classes of its citizens. It is needless to say, that such a calamity would be sensibly felt by the adjacent country.

While the committee have been strongly impressed with the belief that the multiplication of banks within the District has been pushed to an extent injurious both to the lender and the borrower, they could find no safe remedy for this imprudence in a sudden prostration of the existing banks, nor in a forced consolidation of them into a smaller number.

The evil of excessive banking has its consequential or natural corrective in the reduced profits of the stockholder, and the frequent embarrassments of his debtor.

This remedy your committee found already in operation. The Franklin Bank has asked for time only to wind up its affairs. Several other banks, it is believed, like the Union Bank of Alexandria, will not avail themselves of the small extension afforded to their charters by this bill, except with a view either to follow the example of the Franklin Bank, or to embrace the opportunity presented to them by this bill of uniting their funds, and saving the annual expense of a double or triple set of officers, and a like waste of fixed capital.

The committee would have endeavored to prescribe the principles of the associations expected to arise from the disposition manifested by the banks to reduce their number by consolidation; but they thought it better to leave those compromises, in which considerable difficulties are to be encountered and removed, to be settled by an intimate knowledge of all the circumstances of the different banks. More harmony will be thereby assured to the society of the District, so likely to be agitated by questions vitally important to its prosperity.

To coerce a consolidation of the banks, it was believed, would prove not less injurious to their interest, and to that of the community around them, than to deny to them an opportunity of effecting such a consolidation in a mode adapted to both.

In preferring two banks to a single one, in each of the towns of the District, the committee have accommodated the number to the wishes of a great majority of their inhabitants; and have preserved the restraint of competition upon institutions, which, partaking of the character of powerful monopolies, might, without this salutary corrective, degenerate into cabals for private and sinister purposes.

The District of Columbia, although possessing very narrow dimensions, is marked by strong moral as well as physical divisions; and in all legislation for its local concerns, its towns, if their wishes are at all consulted, must be regarded as distinct and separate communities. Any other course of legislation, instead of effacing, would render those divisions more prominent and injurious.

The committee have equally consulted the interest of the country, whose circulating medium is derived in part at least from this District, and whose chief market is there found. It would be an unmerited reproach upon the District banks, to charge them with an excessive circulation. With an actual capital of five and a half millions, and a debt due to them of six millions eight hundred and forty-five dollars, they have a circulation of but eight hundred and forty thousand; which is less than one moiety of their circulation at the close of the year 1818; but little more than one-third of that of the year next preceding; and about a moiety of the average annual circulation of the last ten years. Yet, the accompanying bill is believed to furnish additional securities to the country against excessive bank issues.

The circulation of notes by corporations, instituted for purposes wholly distinct from banking, is an evasion of a former act of Congress, for which, the bill, conforming to the provisions of that act, provides a similar remedy.

To preserve some specie in circulation, for purposes to which it can be more conveniently applied than paper, and with less danger of actual loss to society; to invite and retain a larger supply at home, against the arrival of unforeseen emergencies; are among the motives which have dictated the provisions for the exclusion of small notes from circulation. A part only of the District banks have now the power to issue them. None of those in the neighboring State of Virginia are allowed to do so; and Maryland cannot be expected to follow this prudent example, while Congress authorizes the emission of such notes in the District of Columbia.

The premium charged for the charters of the consolidated banks, is less than a moiety of the annual revenue which their consolidation will save them. Applied, as the bill proposes, to the education of the children of the indigent, it will more widely diffuse the blessing of instruction around the seat of the National Government, and illustrate a policy which, if the people of America did not begin, they have the glory to have prosecuted to a greater extent than any other nation.

[The following are the outlines of the bill reported by the committee, for extending the charters of the different banks in the District.

Section 1 provides for continuing the charters until the 16th day of June, 1825.

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Section 2 provides for the recovery of ten per cent. interest on all notes issued by any bank, or deposits made in such bank, on failure to pay the same in the legal currency of the country when demanded—and further, for annulling the charter of such bank.

Section 3 prohibits the issuing of notes after the first day of January next, by any bank in the District, of a less denomination than five dollars, under penalty of forfeiting its charter.

Section 4 makes it penal for any president, director, officer, or servant of any bank to commit any kind of fraud on the bank.

Section 5 prohibits the president, directors, officers, or servants of any bank which may have failed to redeem its issues in lawful currency, by themselves or agents, from receiving or purchasing such issues or obligations at less than is specified on the face thereof, under a penalty of fine or imprisonment, or both.

Section 6 provides for continuing the charter of the Bank of Columbia to 1840.

Section 7 annuls the charter of the Franklin Bank of Alexandria, allowing five years to wind up the concerns of the same.

Section 8 makes it necessary that the banks shall signify in writing their acceptance of this act, within six months after its passage; otherwise they must proceed to wind up in the same manner as the Franklin Bank.

Sections 9, 10, 11, and 12, make it penal for any corporation within the District of Columbia, to issue any money bills after the first day of January next.

Sections 13 and 14 make provision for the consolidation of any number, not exceeding three, of the banks in Alexandria, whose charters have been continued, into one bank, under such name as they may agree upon, and grant a charter to such bank on the same terms as the Farmers' Bank of Alexandria now holds its charter until the year 1840; and likewise grant the same privileges to the other banks to unite in one, provided that the capital of the two banks shall not exceed two millions of dollars.

Sections 15 and 16 make the same provision for consolidating the banks of Washington and Georgetown.

Section 17 provides for chartering the Bank of the Metropolis until the year 1840.

Section 18 provides for taking the sense of the stockholders in relation to the subjects before referred to.

Section 19 points out the method by which the banks may avail themselves of the provision for amalgamation.

Section 20 imposes a tax of one-sixth of one per centum on the capital stock of each bank, when their profits amount to six per cent. per annum to the stockholders, to be expended on educating the poor of the respective counties.]

JOURNAL OF THE OLD CONGRESS.

Mr. STROTHER offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secret Journal of the Old Congress, from the date of the ratification of the definitive Treaty of Peace between the United States and Great Britain, in the year 1783, to the formation of the present Government, now remaining in the office of the Secretary of State, be published under the direction of the President of the United States, and that one thousand copies thereof be printed and deposited in the Library, subject to the disposition of Congress.

The resolution having been twice read, Mr. STROTHER moved that it be ordered to be engrossed and read a third time to-morrow. He saw no objection to its taking this course, which would afford the opponents of the proposition, if it had any, the opportunity fully to urge their objections; and would have the advantage, should it meet the favor of the House, of being acted on at once, and not lost or endangered by the delay that would attend the usual course of commitment to a Committee of the Whole, &c.

Mr. SMITH, of North Carolina, was opposed to the motion; and hoped, as it was a proposition involving the expenditure of money, that it would take the ordinary course, and be committed. He moved, therefore, that the resolution be committed to a Committee of the whole House.

Mr. PINCKNEY, of South Carolina, was in favor of ordering the resolution now to a third reading. He was a member, he said, of the Old Congress, and knew very well what the secret part of its journal contained, and, should it be ordered to be published, the House would find that the little cost which the printing would incur would be well laid out.

After some conversation between Mr. STROTHER, Mr. SMITH, and Mr. LIVERMORE, as to the course proper for the resolution to take, Mr. SMITH withdrew his motion; and the resolution was ordered to be engrossed for a third reading.

THE MISSOURI BILL.

The House then resumed, as in Committee of the Whole, the consideration of the restrictive amendment proposed to this bill.

Mr. RANDOLPH rose and addressed the Committee nearly three hours against the amendment; but had not concluded his remarks, when he gave way for a motion for the Committee to rise; and the House adjourned.

THURSDAY, February 3.

The SPEAKER presented a petition of a company of Swiss, who propose settling in the United States, praying for a grant of public lands, sufficient to contain three or four thousand families, to be used for the purposes of agriculture, as, also, for the establishment of manufactures of cotton, woollen, flaxen, and silken goods, and for the cultivation of the vine, the olive, and the mulberry tree.—Referred to the Committee on Manufactures.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, stating, that the copy of the act of the Legislature of Louisiana, which accompanied the letter of the collector of New Orleans to the Secretary of the Treasury, dated April the 17th, 1818, was contained in a printed gazette; that it has been mislaid; and that, after the most diligent search, it has not been found; this letter was read, and ordered to lie on the table.

The SPEAKER also laid before the House another letter from the Secretary of the Treasury, transmitting two statements, with such information as he is able to give, in answer to the resolutions of-

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ferred by Mr. STROTHER, and adopted by this House, on the 18th ult.; which were ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Quartermaster General, with sundry statements of the sums claimed and paid to Colonel James Johnson, for transportation for the troops of the United States ordered up the Missouri river, rendered in obedience to the resolution of the 24th ult.; which was referred to the Committee on Military Affairs.

Mr. KENT, from the Committee for the District of Columbia, made a report on the petitions of John Law and Jonathan Elliott, accompanied with a bill for the relief of the said Law and Elliott; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of John A. Dix," reported the same without amendment.

On motion of Mr. HILL, the Committee of Commerce were directed to inquire into the expediency of providing a bell, to be suspended near the light-house on "West Quoddy Head," in the District of Maine, to be rung in foggy weather, to indicate the passage for vessels into the harbors of Eastport and Lubec.

AMERICAN COLONIZATION SOCIETY.

Mr. RANDOLPH presented a representation of the President and Board of Managers of the American Colonization Society, stating, that they are about to commence the execution of the object to which their views have been long directed, and without a larger and more sudden increase of their funds than can be expected from the voluntary contributions of individuals, their progress must be slow and uncertain; they therefore pray that the Executive Department may be authorized to extend to the society such pecuniary and other aid, as it may be thought to require and deserve; and that the subscribers to the said society may be incorporated by act of Congress, to enable them to act with more efficiency in carrying on the great and important objects for which they have associated; which was read, and referred to the committee on so much of the President's Message as relates to the African slave trade. The memorial is as follows:

To the Senate and House of Representatives of the United States:

The President and Board of Managers of the American Colonization Society respectfully represent that, being about to commence the execution of the object to which their views have been long directed, they deem it proper and necessary to address themselves to the legislative council of their country. They trust that this object will be considered, in itself, of great national importance, will be found inseparably connected with another, vitally affecting the honor and interest of this nation, and leading, in its consequences, to the most desirable results.

Believing that examination and reflection will show that such are its connexions and tendency, they are

encouraged to present themselves, and their cause, where they know that a public measure, having these advantages, cannot fail to receive all the countenance and aid it may require.

The last census shows the number of free people of color of the United States, and their rapid increase. Supposing them to increase in the same ratio, it will appear how large a proportion of our population will, in the course of even a few years, consist of persons of that description.

No argument is necessary to show that this is very far indeed from constituting an increase of our physical strength; nor can there be a population, in any country, neutral as to its effects upon society. The least observation shows that this description of persons are not, and cannot be, either useful or happy among us; and many considerations, which need not be mentioned, prove, beyond dispute, that it is best, for all the parties interested, that there should be a separation; that those who are now free, and those who may become so hereafter, should be provided with the means of attaining to a state of respectability and happiness, which, it is certain, they have never yet reached, and, therefore, can never be likely to reach, in this country.

Several of the States, deeply interested in this subject, have already applied to the General Government; and, concurring in the views of your memorialists, both from considerations of justice towards themselves and humanity to the colored people, have expressed, to the General Government, their desire that a country should be procured for them, in the land of their forefathers, to which such of them as should choose to avail themselves of the opportunity might be removed. It has been the one single object of the Society, which your memorialists represent, to effect this end. They have made the most cautious and particular inquiries as to the practicability of such a plan, and its prospects of success, both in this country and in Africa, and they are warranted in declaring that there are no difficulties which they do not confidently expect will be easily overcome by a moderate exertion of discretion and perseverance.

In this country, and in almost every part of it, they have found a zealous and decided approbation expressed, both in words and deeds, by a vast majority of all classes of our citizens; and this sentiment is continually increasing as the measure becomes more the subject of discussion and reflection. Its importance all admit; and its practicability, though doubted by many, at first, is daily less questioned.

The two last reports of the Society, to which your memorialists beg leave to refer, show the success of their mission to Africa, and the result of their inquiries upon that continent. From those it is manifest that a situation can be readily obtained, favorable to commerce and agriculture, in a healthy and fertile country, and that the natives are well disposed to give every encouragement to the establishment of such a settlement among them. Thus, it appears, that an object of great national concern, already expressly desired by some of the States, and truly desirable to all, receiving, also, the approbation of those upon whom it is more immediately to operate, is brought within our reach.

But this subject derives, perhaps, its chief interest from its connexion with a measure which has, already, to the honor of our country, occupied the deliberations of the Congress of the United States.

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Your memorialists refer, with pleasure, to the act, passed at the last session of Congress, supplementary to the act formerly passed for the suppression of the slave trade. The means afforded, by the provisions of that act, for the accomplishment of its object, are certainly great; but the total extirpation of this disgraceful trade cannot, perhaps, be expected from any measures which rely alone upon the employment of a maritime force, however considerable.

The profits attending it are so extraordinary, that the cupidity of the unprincipled will still be tempted to continue it, as long as there is any chance of escaping the vigilance of the cruisers engaged against them. From the best information your memorialists have been able to obtain, of the nature, causes, and course of this trade, and of the present situation of the coast of Africa, and the habits and dispositions of the natives, they are well assured that the suppression of the African slave trade, and the civilization of the natives, are measures of indispensable connexion.

Such an opinion has been avowed, many years ago, by those best acquainted with this subject, and experience has abundantly confirmed it.

The documents and papers which your memorialists had heretofore the honor of presenting to Congress, and those contained in the late reports of the society, prove this position.

Since the establishment of the English settlement at Sierra Leone, the slave trade has been rapidly ceasing upon that part of the coast.

Not only the kingdoms in its immediate neighborhood, but those upon the Sherbro and Bagroo rivers, and others with whom the people of that settlement have opened a communication, have been prevailed upon to abandon it, and are turning their attention to the ordinary and innocent pursuits of civilized nations.

That the same consequences will result from similar settlements cannot be doubted. When the natives there see that the European commodities, for which they have been accustomed to exchange their fellow-beings, until vast and fertile regions have become almost depopulated, can be more easily and safely obtained by other pursuits, can it be believed that they will hesitate to profit by the experience? Nor will the advantages of civilization be alone exhibited. That religion, whose mandate is "peace on earth and good will towards men," will "do its errand;" will deliver them from the bondage of their miserable superstitions, and display the same triumphs which it is achieving in every land.

That such points of settlement would diffuse their light around the coast, and gradually dispel the darkness which has so long enshrouded that continent, would be a reasonable hope, and would justify the attempt, even if experience had not ascertained its success. Although, therefore, much may be effected by the vigilant operations of a well disposed naval force, it is to be feared that much will always remain to be done, until some degree of civilization is attained by the inhabitants of the coast of Africa. The present measures, therefore, for the suppression of the slave trade, if unconnected with others for the improvement of the natives, must be long continued, and the effects produced by them will be partial, tedious, and uncertain; and the least relaxation of this vigilance will revive it.

But those measures, and all others involving expense and labor, may be withdrawn, as soon as these

establishments upon the coast become strong enough to participate in the contest against avarice and inhumanity, and shall obtain, from their evident advantages over the natives, a proper influence among them. And here your memorialists beg leave, respectfully, to suggest their fears that many of the profligate adventurers in this trade will evade the search of our cruisers by their artful contrivances in disguising their national character. We have reason to believe that the slave ships of other nations assume the flags and character of Americans to evade the search of British cruisers. Is it not, therefore, to be expected that the act lately passed will often be defeated by American slave ships assuming a foreign flag and character? A careful consideration of this subject has convinced us that all our efforts will be insufficient to accomplish their purposes, unless some friendly arrangement can be made among the maritime Powers of the world, which shall leave no shelter to those who deserve to be considered and treated as the common enemies of mankind.

Whether a permission, under any modification, to certain specified ships, or in certain latitudes, to search and seize slave ships, under our flag, such as Great Britain, and other European Powers, have mutually given to each other, can be properly granted by our Government, we cheerfully leave to the wisdom and justice of Congress to determine. Your memorialists will only express their hope and belief that your deliberations upon this interesting subject will enable you to discern a way, without any compromise of our national honor, by which our country may be placed among the foremost and most efficient asserters of the rights of humanity. But your memorialists humbly consider that the colonization of Africa offers the most powerful and indispensable auxiliary to the means already adopted, for the extermination of a trade which is now exciting in every country that indignation, which has been long since felt and expressed in this.

No nation has it so much in its power to furnish proper settlers for such establishments as this; no nation has so deep an interest in thus disposing of them. By the law passed at the last session, and before referred to, the captives who may be taken by our cruisers, from the slave ships are to be taken to Africa, and delivered to the custody of agents appointed by the President. There will then be a settlement of captured negroes upon the coast, in consequence of the measures already adopted. And it is evidently most important, if not necessary, to such a settlement, that the civilized people of color of this country, whose industry, enterprise, and knowledge of agriculture and the arts, would render them most useful assistants, should be connected with such an establishment.

When, therefore, the object of the Colonization Society is viewed in connexion with that entire suppression of the slave trade which your memorialists trust it is resolved shall be effected, its importance becomes obvious in the extreme. The beneficial consequences resulting from success in such a measure, it is impossible to calculate. To the general cause of humanity it will afford the most rich and noble contribution, and for the nation that regards that cause, that employs its power in its behalf, it cannot fail to procure a proportionate reward. It is by such a course that a nation insures to itself the protection and favor of the Governor of the World. Nor are there wanting views and considerations, arising from our peculiar political

institutions, which would justify the sure expectation of the most signal blessings to ourselves from the accomplishment of such an object. If one of these consequences shall be the gradual and almost imperceptible removal of a national evil, which all unite in lamenting, and for which, with the most intense, but, hitherto, hopeless anxiety, the patriots and statesmen of our country have labored to discover a remedy, who can doubt, that, of all the blessings we may be permitted to bequeath to our descendants, this will receive the richest tribute of their thanks and veneration?

Your memorialists cannot believe that such an evil, universally acknowledged and deprecated, has been irremovably fixed upon us. Some way will always be opened by Providence by which a people desirous of acting justly and benevolently may be led to the attainment of a meritorious object. And they believe that, of all the plans that the most sagacious and discerning of our patriots have suggested, for effecting what they have so greatly desired, the colonization of Africa, in the manner proposed, presents the fairest prospects of success. But if it be admitted to be ever so doubtful, whether this happy result shall be the reward of our exertions, yet, if great and certain benefits immediately attend them, why may not others, still greater, follow them?

In a work evidently progressive, who shall assign limits to the good that zeal and perseverance shall be permitted to accomplish? Your memorialists beg leave to state that, having expended considerable funds in prosecuting their inquiries and making preparations, they are now about to send out a colony, and complete the purchase, already stipulated for with the native kings and chiefs of Sherbro, of a suitable territory for their establishment. The number they are now enabled to transport and provide for, is but a small proportion of the people of color who have expressed their desire to go; and without a larger and more sudden increase of their funds than can be expected from the voluntary contributions of individuals, their progress must be slow and uncertain. They have always flattered themselves with the hope that when it was seen they had surmounted the difficulties of preparation, and shown that means applied to the execution of their design would lead directly and evidently to its accomplishment, they would be able to obtain for it the national countenance and assistance. To this point they have arrived; and they, therefore, respectfully request that this interesting subject may receive the consideration of your honorable body, and that the Executive Department may be authorized, in such way as may meet your approbation, to extend to this object such pecuniary and other aid as it may be thought to require and deserve.

Your memorialists further request, that the subscribers to the American Colonization Society may be incorporated, by act of Congress, to enable them to act with more efficiency in carrying on the great and important objects of the Society, and to enable them, with more economy, to manage the benevolent contributions intrusted to their care.

Signed by John Mason, W. Jones, E. B. Caldwell, and F. S. Key, committee.

WASHINGTON, February 1, 1820.

JOURNAL OF THE OLD CONGRESS.

The engrossed resolution for authorizing the publication of the Secret Journal of the Congress under the Confederation, from the Treaty of Peace

of 1783 to the formation of the present Constitution, was read a third time; and the question being stated on its passage—

Mr. SMITH, of Maryland, expressed his desire to hear from the gentleman who introduced it some explanation of the object of this proposition, and of the particular reasons which at this time called for its adoption.

Mr. STROTHER, of Virginia, rose in support of the resolution. By a resolution of the last Congress, he said, directions had been given for the publication of the Secret Journal and the Foreign Correspondence of the Old Congress up to the Treaty of 1783; and why it had stopped there, he was at a loss to conceive. The theory of our Government, he said, was, that it stood on the virtue and intelligence of the people; and its practice should be, that public men should be judged of by their acts. He was of opinion, with a colleague who yesterday expressed that sentiment, that the tree should be judged of by its fruit; and he wished now for an opportunity to see the fruit, that he might judge of the tree. What objection, he asked, could be made to this proposition? Most of the men who had, at the period to which this proposition referred, taken part in the deliberations of Congress, had descended to the tomb, and their memories were justly venerated. Some, he said, yet lived, mingling in public life, and eagerly courting its distinctions. If their course had been generous and frank, they could have no objection to a disclosure of the transactions of that day. Who, he asked, were interested in concealing the transactions of that day from the American people? Not, he was sure, the descendants of those who were now slumbering in the tomb; it must be, if any, the survivors, who were yet struggling for political influence or advancement—who wished to get yet higher than they were on the political ladder. If, said Mr. S., I had had the fortune to have had an ancestor who contributed largely to the acknowledgment of our independence, and to the measures which succeeded in confirming it, should I oppose the proposition now before the House, I should think, by so doing, I assailed the reputation of my parent. Could it be, he asked, that any gentleman objected to this resolve from feelings of friendship to any who were engaged in the occurrences of that day? Was there any one who was desirous to shut out light for the purpose of sustaining a reputation surreptitiously obtained? He trusted not. The Constitution itself, he said, required that the Journals of Congress should be published, unless where important circumstances should require a different course.—Ought we, he asked, to have State secrets? Were there any movements, either under the old Confederacy or the present form of Government, which were not fit to be seen by the American people? Was that period of degeneracy already arrived that the acts of the Government were so corrupt as not to be fit to be seen? He could see no possible objection to the publication of the Journal in question. He knew, he said, that this was a delicate topic with some, who shrunk from the inquiry—why, he could not divine. This very sen-

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sitiveness, he said, was with him an argument in favor of the resolution. Would any honest public agent, he asked, desire a veil to be drawn over his acts, to hide his conduct from the public eye? He conceived not. At that time, he said, we had a negotiation on foot with Spain, which had terminated lately in the celebrated Florida Treaty.

He chose to explore this long and intricate negotiation, so as to ascertain the extent of the claims of each party at different times, and the various points in negotiation between them. He saw no occasion for further concealment. And, with regard to diplomatic secrets, so far as we have, in the administration of our Government, gone into the winding and devious course of European diplomacy, we have departed from principle. He took to himself some share of the blame of the publication of this part of our history having been so long withheld, inasmuch as he had been two years in Congress without having proposed it. On the intelligence and virtue of the people, he said, this Government was based, as on a rock, firm and stable as the pillars of the universe. Are they not to be trusted with the knowledge of their own history—of the proceedings of their own Government? It would be a heresy, damning (in his opinion) to the character of this Congress, if they were for a moment to hesitate to give to the people a knowledge of the secret history of the Government—in which might be discovered, for aught he knew, the secret springs which had impelled to many of the public acts of the Government. He was, he added, actuated by no particular hostility to any individuals; but, when he had desired to consult this portion of our history, he had found it hidden from the public view; and all that he desired now was, that he and the rest of the nation should have an opportunity to examine it.

Mr. HILL, of Massachusetts, said, that it had been stated yesterday, by a gentleman from South Carolina, (Mr. PINCKNEY,) who had himself been one of the old Congress, that, in his opinion, the Secret Journal ought to be published, as containing matters interesting to the people to know. This was with him a sufficient reason to vote for its publication; and, when it was further recollected that the publication was to be made under the direction of the President of the United States, he thought every objection to it must vanish.

Mr. PINCKNEY, of South Carolina, hoped the motion would not be postponed. Until yesterday, he thought the resolve of Congress provided for printing the Secret Journal of the Proceedings of Congress, subsequent to the treaty of 1783, as well as anterior to it. Why, he asked, had not the whole been ordered to be published? Did it not look as if there was something in it which was not fit to meet the eye? There were some of those proceedings which ought to be published for general information. He would state one of them, he said, which perhaps was not known to the nation, and was a most important part of the history of our country. It was not noticed by Judge Marshall or Dr. Ramsay, in their histories of our country; and was not noticed, probably, because

they knew nothing of it, not having access to the Secret Journal which contained it. In the year 1785, Mr. P. proceeded to state, the Spanish Government sent a Minister to this country, with full powers to treat for a surrender of the right to navigate the Mississippi for twenty-five or thirty years exclusively to Spain. If that treaty had taken place, the consequence would have been, that the whole of the country on the Mississippi would have been either separate and independent of this Government, or in the hands of France. This proposition from the Spanish Government, when made, was referred to Mr. Jay to report upon it; and to the astonishment of the country, Mr. P. said, that gentleman had not only reported in favor of accepting it, but supported that opinion with much earnestness and with the best exertion of his talents. The question was then submitted to the voters of the States. All the Eastern and Northern States, said Mr. P., joined in support of the treaty; and, had it not have been for the greatest exertions I ever witnessed in a public body, from those opposed to it, that treaty would have been ratified. If it had been, where would now have been the members who fill these seats? Either subjects of a Power hostile to us, or members of a Government wholly independent of us, and our rivals. Mr. P. asked the honorable gentleman from Maryland, and others, whether facts like these ought to be withheld from the public eye? It was information for which, he had already said, one would in vain search the most approved of our histories. But, was it not extraordinary that, in ordering the Secret Journal to be published, Congress should have stopped at the treaty of 1783? The inference must be, unless some better reason were given, that Congress did not wish the world to be acquainted with the whole of it. He was, therefore, of opinion that it was a matter of course that the remainder should be published. If there was information in the Secret Journal which it was desirable should not be published, the whole should have been withheld. But, he presumed the fact which he had stated was sufficient to show that the portion of the Journal embraced by this resolve ought to be published.

Mr. MERCER, of Virginia, explained the views which had governed the committee of the last Congress in the course which they had pursued in regard to this subject. The reason why they had limited their report to the printing of the Secret Journal and Foreign Correspondence to the treaty of 1783 was, that it had been thought unadvisable to disclose to the world the correspondence and Secret Journal, from the Treaty of Peace up to the formation of the Constitution, since there were yet many actors on the scene here, and some perhaps in Europe, who might be injuriously affected by it. That, Mr. M. said, was the reasoning of the committee—it was not his. He knew, he said, that a great lexicographer had defined an ambassador to be one hired to tell lies for the good of his country; but he believed that all State secrets were unnecessary, and that the most candid would ever be the most successful negotiator. The only secret which our Government had purchased was

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from a swindler, and was calculated at the time to expose the Administration and the country to the contempt of the world.

Mr. BALDWIN, of Pennsylvania, said, that the facts stated by the gentleman from South Carolina had been disclosed in the debate in the Virginia Convention, at the time of the adoption of the Constitution, as long as thirty years ago. After that disclosure, the part of the Journal in question not being published, was a strong indication that it could not now be necessary or desirable to publish it. There might be things in it not proper to be published; and it was worth consideration, whether the veil should not be continued where our predecessors had thought proper to spread it. If, when an excitement prevailed on the subject, it was thought proper not to reveal the proceedings in relation to it, there were reasons now also why they should not be introduced to the public eye. We have enough now, said Mr. B., to agitate and distract us, without adding to the excitement. He did not know that he should have objected to this publication, however, were it not that, with a knowledge of all the facts, under all changes of the Government, the publication not having been made, the duty of deliberately weighing the proposition was imposed on the House. It ought not to be hastily acted on. Why this hasty determination to go back forty years into the recesses of our history, and examine transactions which the interest of our country perhaps requires to remain where they are?

Mr. STROTHER said, he was of opinion that the people were entitled to understand the proceedings of those whom they employed as public agents, no matter of how old a date—particularly of those agents who were now aspirants to public office. Were persons to be imposed on the people for sages and patriots, who, if the facts were known, possibly might appear to have forfeited all claims to their confidence? Where there is concealment, Mr. S. said, there will be suspicion. He confessed that his curiosity was excited to see whether there was any latent information, which, when brought into the face of day, would furnish light on the conduct of our public agents. He denied that this proposition was hurried, it had been some days in the contemplation of the House, &c. The gentleman had expressed his desire to preserve the peace of the country. Mr. S. said, he wished that peace to be founded on correct information; whereon the intelligence of the people might act; and not on a volcano, the eruption of which might spread ruin and desolation over the country. Let the people know the history of their Government, said he; let them know, of all things, the character, principles, and dispositions of their public agents. The arguments which had been urged against this motion would be appropriate enough, in another hemisphere, where the governed were the property of the Governor. But here, auspiciously for the happiness of the people, those who administered the Government were the property of the people. He asked of any member of this House, whether he claimed for himself more virtue and intelligence than belonged to his constitu-

ents? Whether he would refuse to let his constituents know what he knew on public affairs? Mr. S. said, he had no disposition to produce excitement; his individual prosperity and tranquillity depended on that of the nation. But, said he, if excitement is to be produced by the disclosure of truth, let it come; we will meet it, under the smiles of Providence, with the energy of men. The arguments of gentlemen against this motion were in opposition to those political tenets which he had learned even at school. Perhaps, however, these tenets were only to be respected in the limited circle where our minds are first cultivated, and, when we enter the political field, are to be left behind us as the dreams of antiquity. But, he regarded it as one of the main principles of our Government, that the means should be afforded to the people of understanding the conduct of public agents. A different course, a distrust of the people, he said, would bring down from its towering height the star which presaged the future destiny of our happy country. Was there any individual who writhed under an apprehension of this disclosure? If so, his apprehensions must result from his own misconduct. I will hide nothing to preserve any character. I have dear friends who were, at the period embraced by my motion, actors on the theatre of public life; men whom I have been taught to honor from my infancy, and for whom I have cherished respect in my maturer years. But I have no apprehension for their characters from any disclosure of their public conduct.

Mr. ANDERSON, of Kentucky, was in favor of the resolve lying on the table, because he desired to see an amendment introduced to it. From the naked publication of the Journal we might infer that motives actuated the public men of that day different from their real motives. He, therefore, considered it important that the public papers, reports, &c., connected with the Journal, should be published; and moved to refer the resolve to a select committee, with instructions to extend its scope so as to embrace all the information on the subject, that no partial publication should be made of the transactions of that day. Such a publication of votes, &c., without the motives of their being understood, might do an injury to those who were concerned in them.

Mr. STORRS, of New York, was opposed to a reference of this resolve, preferring to see it met directly and rejected. When this proposition was first introduced, he said, he had been inclined to support it. But, upon reflection, he was convinced that the interests of the country not only required that the Journal should not be published, but imperiously required it. There was a reason for publishing the Secret Journal and Correspondence of the Revolutionary Congress, which did not apply to that embraced by this motion; and good reasons had been assigned for the discrimination. But, in his opinion, there was a better reason; our domestic quarrels, said he, formed but a small portion of our legislation previously to the treaty of 1783. There was nothing, then, in the Journal which it was desirable to withhold; and nothing

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in the secret papers which could affect the feelings or characters of any but open and known traitors. It was proposed now, however, to lift the veil from those scenes of domestic quarrelling, in which the feelings of different portions of the country had been interested to a degree which seldom, until this moment, had been witnessed in the Councils of the country, to give to the world all the history of our family bickerings; to show that, before the adoption of the Constitution, the North was opposed to the South, the South detracting from the North, &c. For what use? He could not see any occasion for it. One word, he said, as to a venerable name which had been introduced in this debate. He knew the gentleman from South Carolina too well to suppose him intentionally to have misstated any thing. But, it was due to Mr. Jay, and to his character, to say, that the gentleman had not told the whole history of the affair referred to by him. It might be supposed that it was proposed to give up to Spain the navigation of the Mississippi without an equivalent. Not so, however. There was to be an equivalent, and he should like to hear what it was. He was not to be told, that Mr. Jay, than whom there was not a more worthy man or more strenuous patriot in any country, proposed to surrender, without an equivalent, the navigation of the river Mississippi.

[Mr. PRICKNEY rose to explain. He had stated that Spain had sent a Minister to this country with the express purpose to persuade us to cede to her, for twenty-five or thirty years, the exclusive navigation of the Mississippi, and that she had offered a treaty embracing such a cession. That treaty, he now stated, proposed benefits to the Northern States, in which the Southern States had no participation. They were to pay the price; they were to yield the navigation of the Mississippi—but they were not to be benefitted by the equivalent, as it had been called, which proposed to open to our flag certain ports, such as Manilla, &c., but did not propose to open the ports of South America. It was by no means such a price as Spain ought to have paid for the important cession she sought for from us. With respect to Mr. Jay, he said no more of him than that, in the ordinary routine of business, the treaty had been referred to him, and that he, in a long report, which was considered a very able performance, recommended the adoption of the treaty. He did not by any means detract from the character of Mr. Jay.]

Mr. STORRS said he did not suppose that the gentleman did intend to detract from the character of Mr. Jay; because he knew him to be incapable of it. But, when first up, the gentleman had not stated the matter as clearly as he had now done. Mr. S. said he was certain Mr. Jay never would have agreed to surrender the right of navigating the Mississippi, without what he had at least deemed an equivalent benefit to the country yielded by Spain. What was really the fact, as it now appeared? That a foreign nation offered to us a treaty, under the old Confederation, which one part of the nation thought it their interest to accept, and the other did not. Was there any thing

important in this transaction? Only in one point of view, and that rather an unhappy one; as showing, that there did exist in the Old Congress a contrariety of views, which we should rather be ashamed to develop than anxious to publish. I mentioned the name of Mr. Jay, said Mr. S., because it had been brought into the debate; and I now take the opportunity to say, that this nation will be unfit for freedom whenever the name of John Jay shall cease to be venerated from one end of the continent to the other. As to the effect of this resolve, if agreed to, Mr. S. said it would serve to teach to the Powers of Europe our weakness. They will find from it the grounds on which this Confederacy is most accessible to attack—the different interests to which they may appeal, if it be an object with them to attempt the severance of the Union. The same interests, said he, exist at this day as did then. I need only refer to the subject (the Missouri question) which is now agitated in this House, to show that it would be extremely unwise to develop, to those who may be hereafter our enemies, the avenues by which we may be assailed. To pass this resolve might answer another purpose, also to be deprecated. It would show to the present generation, after their fathers had descended to their graves, those things which ought never to be touched. We know that the Old Congress was composed of members, representing rather legislatures than the people of the States, and in many cases legislated with a view to their particular political interests; they were not, as the Congress of the present Government, a representation of the people. The publication of this Journal would only add fuel to the flame of dissensions, already sufficiently great. Are we not, he asked, warm enough already? Have there not been debates which show that our zeal wants no additional excitement here? Is it not wise—is it not prudent, till we are once more seated in domestic peace, that we should suffer that Journal to slumber where it now reposes; that it should remain until the men who were actors in public life at that day, and, if possible, until with them all the prejudices and resentments arising out of sectional interests, shall have passed away? Under the influence of that impression, Mr. S. said he hoped the resolution would be rejected.

Mr. RANDOLPH, of Virginia, said, in rising, that the observations of the gentleman from New York were not the only observations, that he had ever heard on the floor of this House or out of it, against a proposition, which went (in his judgment) powerfully to support it. He agreed, with the honorable gentleman who had just sat down that, to use the coarse expression of a man whose name, if fame, if notoriety, was an object, would last as long as the world whose destinies he had so important an agency in governing—we should wash our dirty linen at home. But the proposition now was, to commit this resolution—to inquire, in fact, whether or not it was expedient to adopt it: and was the honorable gentleman afraid to trust a committee of this House? Mr. R. said he had nothing to say irreverent of the name of John Jay, or of any other of the *patres conscripti* of our better times

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But nothing could be more fallacious than the notion of keeping the Cabinets of Europe out of our secrets by refusing to publish them by our authority. The Minister of Spain had long ago informed his Government of every thing relating to this matter; and in the archives of the Escorial or of Saint Ildefonso might be already found every thing it was in the power of Congress to disclose to them. When this publication should have been made, Mr. R. said he should himself learn from it nothing new: but was it not important, he asked, that the people should be informed on those matters which the gentleman from New York was so desirous, and so unavailingly desirous, of keeping from the crowned heads of Europe—or, rather, from their Ministers? He was on the point, he said, of expressing this wish: that at Paris, or some other spot, there should be a repository in which all the records of diplomacy might be preserved, that history might rest on her own basis. He trusted that all the transactions of our Government would be developed, when they could be no longer injurious to the feelings, the characters, or reputations of those who were living. With regard to the knowledge of foreign nations respecting us, Mr. R. said they knew the only mode in which this Republic, or any other, is assailable. *Divide et impera*—that, said he, is the tyrants' maxim; that is the way in which they will approach us—and, I am sorry to say, that materials for their operations are daily furnishing, ready to their hand.

Mr. RHEA, of Tennessee, said, in his opinion the House ought not to hesitate a moment to pass this resolution. They had gone too far already to stop here. Every thing else was already ordered to be published: and why should this fragment of our records remain in secrecy? No plausible reason could be assigned for it: the Journal in question could contain no secret which all the world might not know. The nation was entitled to know every thing about its own history, no matter who should be involved in the disclosure. If the facts were unimportant, the publication could do no harm; if they were important, they ought to be disclosed. He hoped the motion for a commitment would be withdrawn, and that the resolve would be referred to a Committee of the whole House, where it might be considered and amended without delay. A suppression of a part of the Journal, the remainder being published, would, in his opinion, operate injuriously.

Mr. STROTHER again addressed the Chair. The gentleman from New York had said, we ought to be ashamed to make the development proposed by this resolve. We are so organized, said Mr. S., as to differ in our faculties; one to possess a particular quality—another one another: one may sport his chapeau bras, whilst another presents himself in the coarse garb of a Republican. I am sorry, said Mr. S., that I cannot exhibit myself with the virtues of a courtier to recommend me. I come only with claims to the confidence of the hardy yeomanry, on whose intelligence I rely, and in whose virtue I confide. The compliment, which the gentleman has paid to Mr. Jay, may pass for as much as it is worth. If I do not say

more of it, my forbearance will be attributed to the reverence which I bear to old age. Let the survivors of those who were so long ago in public life descend smoothly to the tomb, and there be protected from the censure of the world. I am not disposed, at this time, and, unless political objects require it, I shall not be disposed, now or hereafter, to furnish my opinion of that gentleman's political character. But, if his friends make it necessary, I shall present my views on that point. It had been intimated by the gentleman from New York, that the Congress of the Confederation had no national views; but that each member acted for his own interests. Permit me, said Mr. S., to protect even the gentleman's friend, Mr. Jay, from this imputation. What, sir! The patriots and statesmen who carried us through the toils and struggles of the Revolution—did they not come out of that furnace with their virtues brightened, and their frailties fallen off? Did they not look with a prophetic eye on the destiny of the nation, and endeavor to accelerate its progress to its present elevated station? If a body of men ever existed who were entitled to the gratitude of a nation and to the admiration of the world, it was the Continental Congress.

On the subject of excitement, Mr. S. said a few words. Every great national question produces some excitement; it is excitement that gives elasticity to the human mind, and enlarges the sphere of human action. It is a powerful agent in human improvement. Its existence is to be regretted only when evil spirits take advantage of it, "to ride on the whirlwind and direct the storm." With respect to those who, between 1783 and 1789, occupied seats in Congress, he would not at present, say any thing. If they were patriots, those who were living were entitled to the respect of the nation, and the memory of those should be embalmed who were now no more. Not a leaf should be stripped from the laurel wreath which entwines the brow of the virtuous statesman. It is the traitor only, who, with unholy views, decks himself in the garb of patriotism, who fears exposure, and who can have any thing to fear from this proposition. In regard to party feelings, Mr. S. said his humble path through political life had not been marked by a single instance of party bitterness or acerbity. He knew indeed the workings of ambition; but with those influenced by that passion he was perfectly willing to exchange hands, at the same time his best endeavors were used to counteract their objects. Were there not, Mr. S. asked, gentlemen from the South in the Old Congress, as well as from the North? If, said he, I had local feelings and pride, and I could believe that the fame of friends of mine would be affected by the disclosure of what is now in darkness, would they not naturally rouse my exertions to defeat the exposition? But, sir, my friends and enemies stand on their own merit. I love Plato; but I love virtue better. There are some men reaching after political power they have not yet enjoyed, who may shrink from this test; but I do not see why objection should be made to it from any other quarter. With regard to the effect of this disclosure

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on the pending controversy, Mr. S. trusted that the debate on the Missouri question would not last six months; and it would be that time at least, and perhaps twelve months, before this Journal could be published. On this occasion, or whenever any political movement is proposed, a separation of the Union meets us at every turn—but it is a spectre merely, which there is no danger of being converted into sober reality. Political gladiators may use it in argument, but the people are bound together by adamantine ties, not to be loosened by any one of the present day. With respect to the children of those who are gone, if their parents had acted properly, let their example be imitated; if otherwise, a knowledge of it would be the best legacy to their posterity. Mr. S. concluded by expressing his regret that so much time had been consumed in this discussion; if he could have anticipated it, he did not know but he should have deferred his motion.

Mr. Cook, of Illinois, spoke against the principle of the resolve. If he wished to walk among the tombs of his ancestors; to visit the graves of the venerable patriots who framed the Constitution of the country, and discharged the important duties of government during the Confederation, and inscribe on their tombs censure or approbation, he would vote for this resolution, because it would produce the information necessary to enable him to do so. But the information communicated by the gentleman from South Carolina had satisfied him that the resolve ought not to be adopted. The country, he said, was now nearly rent in twain, by an agitation, almost as serious as that of the Western insurrection, or of the discovery of the Spanish conspiracy. The statement which had been made by the gentleman from South Carolina, was calculated to increase that excitement. The peace and tranquillity of the country required, Mr. C. said, that the wounds which time had cicatrized, should not be opened again; that the veil which had been dropt over the incidents of that day should not now be lifted. With respect to that statement, the gentleman from South Carolina must excuse him for saying, that, from the lapse of time, Mr. C. apprehended he had forgotten the objection which he owed, as a member of the Old Congress, not to divulge its proceedings. The character of that gentleman forbade the imputation to him of any incorrect motive; but, if the proceedings were secret at the time, and so ordered to remain, they should not now have been disclosed, unless some important emergency required it. The hint already given was sufficient to arouse feelings which should lie dormant. Washington, the sage and patriot, had recommended that the veil which covered the conflicts of that day, should not be lifted; and his warning voice against the encouragement of local prejudices and sectional distinctions, operated, Mr. C. said, on his mind forcibly on this occasion. On further consideration of this subject, Mr. C. said, he thought gentlemen would agree with him there were strong reasons against acting on it as proposed. The gentleman from Virginia had urged the adoption of this resolution

as the representative of the hardy yeomanry—in the name of the people of whom he is the servant. It is for the interest, the peace, the tranquillity of those people, said Mr. C., that I wish to see this resolution laid in eternal sleep; that it shall lie with the ashes of the departed which it is attempted to disturb. Many of the actors of that day have gone off the stage of life. Some of them may, in their political course, have committed what we now consider errors. But, is nothing due to him, who, on reflection, abandons an erroneous course, and pursues the proper interest of his country? Is he not to be sheltered from reproach for errors committed in the outset of his life? Mr. C. thought it important that those things which the venerable fathers of the land had kept secret should not now be brought up, by writ of error, to be reversed before the tribunal of the people. He was willing to submit this question to the elders of the country; they had decided on it—their decision had been long acquiesced in, and he hoped the House would not undertake to reverse their decision.

Mr. PINCKNEY said that he had just been informed that, under the resolution of the last Congress, the President and Secretary of State had considered themselves authorized to publish the whole of the secret journal, as well after as before the Treaty of 1783. If so, there was of course no occasion to act further on this subject.*

Mr. WARFIELD, of Maryland, said he could not readily express the astonishment he felt at the opposition given to the resolution then before the House; for he did not suppose there would have been the least hesitation in adopting it. He believed the public proceedings of our Government, and the greater part, if not the whole of the confidential communications, had been published up to the year 1783. From that period to the ratification of the present Government, if we have not been left altogether in the dark, we have certainly a very imperfect and indistinct knowledge of the important measures which were then acted on by those in power. Why the proceedings of our public characters, for the period alluded to, should be concealed from the view of the citizens of this country, he was altogether at a loss to understand. He was informed, from very good authority, and by some who were members of Congress at that time, that subjects were discussed, and questions brought before them, of great national importance; many of which had been communicated to, and were distinctly understood by Governments in Eu-

* This is fact. Under the resolution of Congress, of the 27th March, 1818, which provides for the publication of the secret journals of the acts and proceedings and the foreign correspondence of the Congress of the United States, the construction has been such as to include the period *subsequent* to the treaty of 1783. Had this been known to the mover of the resolve now debated, of course it would not have been introduced. The allusions in the debate were, however, of such a nature, that, having a sketch of it in possession, we did not feel ourselves justified in withholding it from the public eye.—*Editors National Intelligencer.*

rope, whilst the knowledge of them in this country was chiefly confined to those who were at that time actors on our great political theatre. They had been denominated the secret proceedings of Congress, and under that appellation had been concealed from public scrutiny. This doctrine of *secret proceedings*, and thereby concealing from the public eye measures important in their consequences, and which ought to be known to the citizens of this country, is a doctrine against which he would take leave to enter his solemn protest. It was a doctrine which might be advocated and maintained under some Governments; but it was one which he considered altogether incompatible with the spirit and genius of Republicanism. In a Republic the people ought to know, they had a right to know, the political course pursued by those whom they had clothed with power. He had no fear, Mr. W. said, of trusting the people of this country with a full knowledge of their political concerns; he had great confidence in their wisdom, their prudence, and their patriotism. If, upon the publication of these secret proceedings, it should be found that the estimate which had been made of the public worth of men, had been a mistaken one, it might, perhaps, be a cause of regret, but, so far from being an argument against their publication, he conceived it to be one of the most cogent reasons that could be assigned in support of the measure. Men ought to stand or fall, in public estimation, according to their intrinsic merit or demerit. The acts of men on great and important political questions, is the standard by which they ought to be judged. But it had been urged that the proceedings of those days should be buried in profound obscurity; that the veil of secrecy should not be withdrawn, lest a disclosure of those occurrences should revive unpleasant recollections, and cause unnecessary excitement in the public mind; and, to enforce these admonitions, our attention had been called to the excitement which has existed during the discussion of an important subject, (the Missouri question,) now under the consideration of this House. Is it an unusual or extraordinary occurrence, said Mr. W., that some excitement should exist in a deliberative assembly, when engaged in the discussion of a question considered by some gentlemen of vital importance to the great interests of our country, as it relates to our present happiness and prosperity, and the happiness and prosperity of future generations, and a question, too, on which great diversity of opinion may fairly exist. So far from those occurrences being considered unusual or unexpected, he thought they might, on all occasions, be expected, where a deep interest was felt in what might be the result of important deliberations. But, whether the publication of the acts of men invested with authority, which acts it was, in his judgment, essential for the people of this country distinctly to understand, would or would not occasion excitement on the floor of that House, or in any other place, was a consideration, Mr. W. said, which would never have weight with him; he, therefore, hoped the resolution would be adopted, and the important proceedings of those times

published, for the benefit of the people of America.

The question was then taken on referring the resolve to a select committee, and was decided in the affirmative.

THE MISSOURI BILL.

The House spent some time in Committee of the Whole, on the Missouri bill. Mr. RANDOLPH spoke for some time, in continuation of the argument he commenced yesterday. When he concluded, the Committee rose, on motion of Mr. HARDIN, who is, according to usage, now entitled to the floor; and the House adjourned.

TUESDAY, February 4.

Mr. LITTLE presented a petition of two hundred and ninety inhabitants of the county of Washington, in the District of Columbia, praying that the jurisdiction of the justices of the peace of said county may be extended to sums of fifty dollars; that the said justices may be authorized to issue executions on judgments rendered by them respectively; and that sundry alterations, therein specified, may be made in the judicial system of said county; which was referred to the Committee for the District of Columbia.

Mr. COBB presented a petition of Andrew Low, Robert Isaac, and James McHenry, merchants of Savannah, in the State of Georgia, trading under the firm of Andrew Low & Co., stating that merchandise imported by them into the port of Savannah, amounting to upwards of one hundred and fifty thousand dollars, was destroyed at the late fire which consumed so large a portion of that city; that they had paid into the Treasury upwards of fourteen thousand dollars, duties on said goods, and that twenty-seven thousand dollars yet remain to be paid, and praying that the last mentioned sum may be remitted to them, and that they may be empowered to import, free of duty, goods to an amount equal to that upon which they so paid the duty; which petition was referred to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Secretary of the Navy, covering an abstract of the expenditures on account of the contingent expenses of the Navy, during the fiscal year ending on the 30th September, 1819, rendered in pursuance of the act of the 3d of March, 1809; which was referred to the Committee of Ways and Means.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Stephen Baxter, accompanied by a bill for the relief of the said Baxter, late a paymaster of the third regiment of New York volunteers; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. ANDERSON, from the Committee to whom was referred the "resolution to authorize the publication of part of the Secret Journal of Congress, under the Articles of Confederation," reported the same with an amendment, which was read, and, with the resolution, ordered to lie on the table.

The Committee on Foreign Relations were dis-

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charged from the further consideration of the petition of James Simpson, and it was referred to the Committee of Claims.

On motion of Mr. SLOCUMB, the President of the United States was requested to communicate to this House if any, and what, progress has been made in surveying certain parts of the coast of North Carolina, and in ascertaining the latitude and longitude of the extreme points of Cape Hatteras, Cape Lookout, and Cape Fear, pursuant to a resolution, approved 19th January, 1819.

On motion of Mr. STEVENS, the Committee of Commerce were directed to report whether, in their opinion, it would be expedient to erect a lighthouse on the south coast of Lake Erie, at or near the confluence of its waters with those of Sandusky Bay.

ACCOUNTABILITY FOR PUBLIC MONEYS.

Mr. RANDOLPH rose to offer a motion, having for its object an inquiry respecting the enforcing a stricter accountability for the public moneys, &c. The United States reminded him, he said, of those generous and gallant young fellows, ready to do justice, at all times, to everybody but themselves. The moneys of the United States were scattered over the country from Passamaquoddy to Yellow Stone—from Chicago to Mobile, in a manner which would fritter away the resources of any other nation in the world than this. Nothing, said he, but the rapid growth of the infant Hercules has enabled us to support this dilapidation of the public estate. We are something like the Georgia and Virginia planters—cotton being at fifty cents, and tobacco at thirty dollars. Do you want a tooth-pick? Take a hundred dollars. Do you want a tooth-brush? Take a hundred dollars. Do you want tooth-powder? Take a hundred dollars. And, sir, we want pens, paper, and ink; and these different wants supply business for several individuals, to whom money is advanced, to be accounted for hereafter. Is it accounted for? What is the deficit now? It exceeds greatly the average annual revenue during the administration of Washington. Let us see, said he, the aggregate receipts on which the father of his country, as he has been over and over called, administered the Government of the United States. From the 4th of March, 1789, to the 31st of December, 1791, making almost half of his first term of service, the receipts into the Treasury amounted to \$4,400,000. For the year ensuing, they were only \$3,600,000; for the year following, \$4,600,000. These were the receipts of the four years composing the first Presidency. In the first year of the next term, the revenue was \$5,100,000; for the next, \$5,900,000; and for the last, \$7,000,000. These facts, Mr. R. said, were conclusive. They spoke to the understanding of every man who kept his eye on the receipts and expenditures of the Government. I recollect, said he, when we thought, if we could get a receipt of ten millions of dollars—of which, seven millions went to the Sinking Fund, and shortly after, on the purchase of Louisiana, eight millions—we should be in the full tide of successful experiment.

Was there no way, Mr. R. asked, to recover the public assets from the hands of those who were living on the public funds? This system would not answer—a system more simple might answer in the case of the United States, as he knew it would in that of this House. For what, said he, is our situation? We meet in a room in which we can neither hear nor see—but even the blind can perceive what I wish to bring to the attention of the House—it is the universal dilapidation of the public funds. As for accommodation and adaptation to public business, I should as soon think of attempting to be heard across the Potomac, in the face of a northwester, as to be heard here, where the physical triumphs over the intellectual power. Have gentlemen adverted, Mr. R. asked, to how much of the money of the public was in the hands of the Columbia banks, or how it got there? And do we, said he, know anything of the Central Bank, the Patriotic Bank, and of the other banks, so numerous that it would be in vain to attempt to repeat their titles? For my part, continued Mr. R., I am not at all sorry for the effect which the public at this time experience, although perhaps I pay as dearly for it as most of us—I lament the cause—but, sir, we are punished, if I may use the term, in the offending member. I trust it may bring us to a sense, not only of what is best for our own selves, but of what is due to our constituents; that the system of speculation shall be broken up; that the Augean stable shall be cleansed; that the stream of public treasure, compared to which the Missouri itself is but a rill, shall not be dammed up by speculators and defaulters, &c. Mr. R. said he would therefore move—

“That the Secretary of the Treasury be directed to report to this House such measures as, in his opinion, may be expedient to enforce the more speedy payment of public moneys, due from individuals and corporate bodies in the United States.”

Mr. LOWNDES said he had no objection whatever to the object of this motion. He would only remark, that a part of it appeared to him to be comprehended in calls already made on the Treasury Department, and a part of it within the prescribed duties of a committee of this House. With regard to the unaccounted-for moneys of the United States, Mr. L. conceived both the facts and apprehensions of the gentleman from Virginia to be exaggerated. In order to take a correct view of the subject, he suggested the propriety of so modifying the resolution as to call for an accurate statement of the amount of public moneys outstanding and unaccounted for, &c.

Mr. RANDOLPH said he would readily agree to modify his motion in the manner which the gentleman from South Carolina, or any other gentleman, should deem it expedient to effectuate the object of it. If the gentleman would prepare such an amendment, he would adopt it with pleasure. The resolution, he said, must speak for itself. While up, he would observe that, with regard to the banks of this District, while he had mentioned one or two by name, he did not know that there was a pin to choose between them. He had no idea, he said, of selling off the public lands, increas-

ing the balances already due for them, and making up the present deficit by taxes on the people, when it could be made up merely by making these leeches disgorge. The honorable gentleman has mistaken me, said Mr. R., if he supposes I have any hostility to the Secretary of the Treasury. I have none. But, Mr. Speaker, you know very well—no man ought to know better—what it is to disturb a hornet's nest. The Secretary of the Treasury is not going to array himself against these individuals without a call from this House. The present system, Mr. R. said, would not work; and, if it would not, we must either go on with it as it is, and continue to increase the public burdens, or we must endeavor to get rid of it. He wished that the present Secretary of the Treasury, or the former Secretary of the Treasury—of whose intended return to this country rumors were afloat—or some one of equal capacity with either, would devote himself to rectifying the disorders in the public expenditures. The disorder in the receipts was bad enough—no other Government, perhaps, could go on with it—but when to this was added the disorders in the expenditures, Cræsus himself could not sustain it. The English, Mr. R. said, were remarkable for having brought their system of collection to the least possible expense—he would not say to perfection, but certainly much nearer it than we have attained. France, though her revenue be not so cheaply collected as that of England, yet, as far as his information extended, in the economy of its expenditures greatly surpassed her. The English are profuse in their expenditure—he spoke not of the gross amount, or of the object, whether great armies, the navy, &c., but of the dollar for dollar's worth. But, he said, we are more profuse in the expense of the collection of revenue than either of these Powers, and we outdo the outdoings of every former generation in the profusion of expenditure and total want of responsibility in public agents. Now, said he, *meo periculo*, I undertake to say, if you will call in the balances due to the Government from individuals; if you will make the great corporations and men who pass for rich, with public moneys in their hands; if you will make these leeches disgorge; if you will make them pay the people, it will cure your deficit; it will make it unnecessary to lay taxes. They do not pay interest on the money they hold; and very likely if you authorize a loan they will take it—and who are better able than men who have both their pockets stuffed with public money? Mr R. said he hoped the Secretary of the Treasury would consider it a part of his duty, in suggesting a remedy, to give the House some little history of the nature of the disease. If, however, it should be thought necessary specially to require it, he had no objection so to modify the resolution.

Mr. TRIMBLE said he should not oppose the resolution, although a special committee of the House had the subject in charge; he should vote for it, because it would unquestionably relieve him, as one of that committee, from a portion of the duties he had to perform. At the same time he begged leave to say, that the committee of which he was one had not been idle; and that, as to the reference to

the Secretary of the Treasury for facts, all the information required had been, or was in the way of being, furnished to the committee, of which he happened to be chairman. In the course of the examination which he had had an opportunity of making into this subject, he had the satisfaction of finding that not a single dollar had been applied in malversation of the public moneys. That there were sums of money in the hands of paymasters and quartermasters, and other public agents, to a large amount, was certainly true. Many of the accounts had not yet been settled, for the want of time. Large sums might be lost to the Government by some of these agents, not from the want of means or of disposition to enforce the payment of them, but from the insolvency of the individuals. But, with respect to any moneys in the hands of public agents, Mr. T. said it must be evident they constituted no available fund. Whether a mode of enforcing a more speedy collection of the public debts could not be devised, was a question worthy of consideration. But he begged leave to say, that he believed every thing had been done by the Treasury which the law allowed the agent at the head of that Department to do; and that he had not been able to find, nor had he any reason to suppose there existed, any negligence on this point on the part of any of the heads of Departments.

Mr. RANDOLPH said he had no intention to trespass on the department of the gentleman from Kentucky, or of the committee appointed to inquire whether the existing provisions of law were duly executed; inasmuch as it was the inefficiency of the present system which caused him to call on those who had the best knowledge of the subject to devise a better system—a system which would accelerate the payment of public moneys. He had, he said, charged malversation on nobody. This was a subject on which he felt no sensitiveness at all. His motion was not of the nature of a hostile procedure against the administration of the Government, to which he was in no wise inimical. With regard to the recovery of public moneys, Mr. R. said, the gentleman had himself shown the defects of the present system, by telling the House that the funds in the hands of some agents were not available, and in the hands of others would be lost by their insolvency. This showed either that the trust had been, in the first instance, improperly reposed, or, what Mr. R. said, his motion might seem to imply, that the present mode of obtaining balances out of the hands of those by whom they are due, is defective. Had the honorable gentleman never heard—of this administration, Mr. R. said, he spoke not, for he knew, perhaps, less of them than any man in the nation—of the failure of the Government to make defaulters account for their defalcation, their security being insufficient? This, he presumed, was the case now, or the funds in the hands of public agents would not be unavailable. Had the gentleman never heard that after bond had been taken, the Department or the Treasury had failed to sue until the debt was lost for want of timely interposition? I hope, said Mr. R., the gentleman will not flag in the patriotic undertaking in which he

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is engaged; but I know what a committee can do in the Treasury. I would as soon trust a child to find its way in the labyrinths of this building. If the gentleman could find what he was looking for it would be highly satisfactory; but this, Mr. R. said, was one of the cases in which to seek is not to find; to knock, and not have opened for you; to ask, and not to have—if it is for information you ask. The way to ask, here, was in a different tone, and in a different style. I repeat, said Mr. R., that, whatever construction may be put on my motion, my object is to ascertain whether it is not possible to make those who have our money give it up—for I know that when we have their money we are obliged to give it to them; whereas I always thought it but fair to receive as well as to give—to give and take.

Mr. TRIMBLE said, that, by a superficial glance at the official statements, one might be easily led into error on one point. It might appear on the face of them, that there were millions in the hands of public agents, when in fact there were not as many hundred thousands—because the moneys advanced, to be disbursed in the public service, were charged to the agents until the vouchers were transmitted and their accounts settled at the proper offices. The amount of balances reported, therefore, was no criterion whereby to judge of the amount due—much the largest part being expended and ready to be accounted for. On the subject of economising public expenditures, Mr. T. said, he did not at all differ in sentiment from his friend from Virginia.

The question was then taken on Mr. RANDOLPH'S motion, and carried without a division.

THE MISSOURI BILL.

The House again resolved itself into a Committee of the Whole, (Mr. BALDWIN in the chair,) on this bill.

Mr. HARDIN, of Kentucky, addressed the Committee in the following words: Mr. Chairman, I am under great obligations to the Committee for indulging me in my request on yesterday evening, for the Committee to rise, and give me the floor this morning. But, were I to consult the safety of the little reputation I have, I ought not, although pledged, to address you and this House to-day upon the present subject. I readily acknowledge that, at this moment, I feel the most thorough conviction of my own incapacity to do any thing like tolerable justice to the question now under consideration, or even to acquit myself with credit.

The importance of the present subject renders it my indispensable duty to myself, to this House, my country, and posterity, however reluctant I may be, to assign those reasons which have occurred to me, and which compel me to vote against the amendment offered by the gentleman from New York. There is one point, and I believe only one, in which there is an entire concurrence of opinion in this House and the Senate; that is, the immense importance and magnitude of the present question now before us—important, not only on account of the extraordinary excitement existing throughout the nation, but also on account

of the new Constitutional doctrine broached on the opposite side of the House. One portion of the United States bring forward and support this amendment, under the imposing names of humanity, sympathy, and religion; at the same time uttering the bitterest curses against the odious and abominable practice of retaining a part of the human family in bondage. I acknowledge there would be great propriety in reprobating the practice upon this occasion, if we were the authors of it, or could get clear of it; but it has been our misfortune to have it entailed upon us by that Government under which we were colonized; and, however eloquently gentlemen may declaim upon the subject of universal liberty, it proves nothing upon the present question, although it may captivate and enlist all the finer feelings and sensibilities of the heart. But I fear, I greatly fear, Mr. Chairman, that gentlemen are fighting under false colors—that they have not yet hoisted their true flag. As this contest is upon the great theatre of the world, in the presence of all the civilized nations of the earth, and as it is to be viewed by an impartial posterity, would it not be more magnanimous to haul down the colors on which are engraven humanity, morality, and religion, and in lieu thereof unfurl the genuine banner, on which is written a contest for political consequence and mastery?

On our side of the House, Mr. Chairman, we are contending not for victory, but struggling for our political existence. We have already surrendered to the non-slaveholding States all that region of the American empire between the great rivers Ohio and Mississippi; and if you tear from us that immense country west of the Mississippi, we may at once surrender at discretion, crouch at the feet of our adversaries, and beg mercy of our proud and haughty victors.

In the investigation of the present question, Mr. Chairman, the subject necessarily divides itself into three great and leading heads. First, has Congress the power, under the Constitution of the United States, to annex, as an irrevocable condition upon the admission of the people of the Territory of Missouri into the Union as a sister State, that the State, when organized, shall prohibit the further introduction of slaves within her limits, and shall set free and emancipate the future increase of all those who may be held in slavery at the time the State government is formed—for this is the clear import of the amendment? Secondly, if by the Constitution, Congress have the power, can she exercise it without violating the national faith, under the Treaty of Cession, by which that country was transferred from France to the United States? Thirdly, if Congress have the power to impose the restriction, and, in so doing, the national faith will not be broken, is it expedient to adopt the present amendment? In this investigation it will be necessary, Mr. Chairman, before I proceed to examine the subject in the order proposed, to establish some preliminary facts and positions, and also to disentangle the question from a few difficulties and obstructions thrown in the way by those who advocate the amendment.

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It is alleged by some that the Declaration of Independence, as soon as it was adopted by the Congress of 1776, emancipated and manumitted all the slaves in the then United States. This is certainly a very late discovery, and the people of the North, heretofore so fruitful in inventions, as the Patent Office can well testify, may rightly claim to be the authors of it. I would be glad that gentlemen would point out what part of the Declaration of Independence they rely on. At that time was not slavery tolerated in a number of the States? Whose Representatives were the members of Congress who framed and adopted that declaration? Were they not the Representatives, exclusively, of the then free population of the United States? Who is meant in the declaration by the expression of—"We, therefore, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies"? Must not every one answer, Mr. Chairman, that none but the then free population was alluded to?

What are the efficient parts of the Declaration of Independence? The answer is, those parts only which declare our dependence upon Great Britain to be at an end, and assume a stand and character of a sovereign people among the nations of the earth. The balance of the declaration is nothing but a manifesto to the world, assigning and setting forth the causes which led to and brought about that mighty event. But, Mr. Chairman, is it not strange indeed that the framers and adopters of that declaration should have been ignorant of its import, because a number of them held slaves—some do so yet, and others did until their death. The adoption of our present Constitution, in which slavery is expressly recognised, affords the most ample refutation of the doctrine upon that point advanced by the other side of the House, I beg gentlemen to beware of the dreadful consequences which may follow from such doctrine—too preposterous, I agree, to obtain any votaries from an intelligent and dispassionate people; but yet, when addressed to the slaves, whose minds are unenlightened by such high and imposing authority, their angry passions may be aroused, and they may precipitate themselves into the commission of enormous crimes towards their masters. Such doctrine as this, Mr. Chairman, to the slaveholding States, is peculiarly alarming; it shows the tenure by which they hold their slave property, should the non-slaveholding States obtain a decided ascendancy in the Congress and councils of the nation. Mr. Chairman, there has been a great deal said from the opposite side of the House upon the score of precedent. They allege that conditions of some kind or other have been imposed upon a number of the new States adopted into the Union since the Constitution was formed, to wit: the States of Ohio, Indiana, Illinois, Mississippi, Louisiana, and Alabama; and also the conditions imposed by Virginia on Kentucky, when the latter was permitted to go into a State. To this long list of precedents a number of answers

can be given, each and every one of them satisfactory.

In the first place, all those States were willing to enter into the compact, or agreement, and no efforts were made to impose it upon them, and enforce it without their consent. Besides, as to a number of the States, the conditions did not go to take away any of the great rights of sovereignty and self-government. In the second place, the States which agreed to the conditions, having done it willingly, the attention of the nation was never directed to the question of the Constitutional power of Congress to exact them. They were precedents, established without debate, without contest, in the language of the law they passed *sub silentio*, and are entitled to no weight as authority. I would, however, remark to this House, that the compact between Virginia and Kentucky, under an opinion, I presume, that it was not out of the power of the Legislature of Kentucky, by law, to violate and infract it, and to put it completely out of the reach of all legislation, it is made part of the constitution of Kentucky. I agree that great deference and respect are to be paid to precedents, established with due deliberation upon matters of State policy, for nothing is so desirable as uniformity and consistency in the administration of government. But I do now, as I ever have done, enter my most solemn protest against the following of precedents, either in the legislative or judicial departments of Government, which are gross and palpable violations of the Constitution. Upon a Constitutional question, what situation are we placed in when following precedents against the admonitions of conscience? Precedents point one way—our judgment the other. Is there any choice left? No, none—no more than there is between perjury and innocence. Can precedent, I ask you, Mr. Chairman, sanctify and hallow that which is a crime on earth of the deepest dye, and an abomination in the sight of our Father who presides in Heaven?

Under the head of preliminary facts and positions, let us inquire, Mr. Chairman, what are the claims of the people and Territory of Missouri, to be admitted into the Union as a member of this great political family. Her territory is not unusually large. The dimensions of the proposed State are not greater, do not contain more square miles, than the States of Ohio, Indiana, and Illinois. Her population is admitted by all to be upwards of sixty thousand. No State which has been admitted into this Union since the adoption of the Constitution had, at the time of their admission, a greater population; several of them had scarcely half the number. The Constitution, when it says, "new States may be admitted by the Congress into this Union," is silent upon the subject of numbers or boundary, but leaves that subject to the sound discretion of Congress. The manner in which that discretion has been exercised, has been so uniform and invariable, that it amounts to a law. It is, Mr. Chairman, a proclamation to the inhabitants of all the Territories that, whenever their numbers approach to fifty or sixty thousand, they shall be at liberty to burst from around them

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the bonds and chains of territorial servitude and vassalage, and assume and exercise the rights of self-government, the inalienable rights of mankind.

But, Mr. Chairman, independent of the practice of this Government in admitting other States into the Union, I say, upon principle, if Missouri were the first candidate that ever offered and asked for admission, we would be bound to do one of two things—either to receive her as a sister State, or permit her to set up an independent government for herself. Who in this House is prepared to deny and disclaim the principles upon which the American Revolution commenced, and in contending for which we established our independence? Was it the amount of the duty imposed upon the tea? I answer, no; because, by reason of the drawback allowed to Great Britain upon its exportation to the then colonies, we could buy it cheaper, and pay the duty here, than we could purchase it before. But the principle we contend for was this, that we, from our intelligence and population, were competent for all the purposes of self-government; and that it was the inalienable birth-right of all men to be bound by no laws unless they participated in their enactment; and that any law made by the King and Parliament of Great Britain, in which we had no voice, no representation, was not only not obligatory upon us, but absolutely, as it respected us, null and void. On the other side of the ocean, it was contended that the laws enacted by the Imperial Parliament and their Majesty, were binding upon us in all cases whatsoever. The above was the point in issue between the parties. Our right to a seat on this floor, our being assembled here on this day, proclaims the glorious result of the contest. But then, in those good times, Mr. Chairman, it was the feelings and interest of the American people to contend and spill the best blood of the land for first principles. Now, I am sorry to say, that one portion of these United States find it their interest to combat those very principles for which a number of their fathers gloriously perished.

Mr. Chairman, the claims of Missouri to be admitted into this Union, do not rest here. She has additional and still stronger demands upon this House to grant what she asks for, if such could exist, which are based upon the following clause in the Treaty of Cession between the United States and France, by which treaty Louisiana was transferred to this Government. The part of the treaty I allude to, reads in these words: "That the inhabitants of the Territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

By this clause, you and this House, Mr. Chairman, will perceive that the faith of the nation is pledged to incorporate and admit that Territory into the union of the United States, according to the principles of the Federal Constitution, and the

people of it, when admitted, shall enjoy all the rights, advantages, and immunities of the citizens of the United States, and the admission to be as soon as possible; thereby meaning as soon as their numbers would justify it. To the treaty it is answered, from the opposite side of the House, that the treaty-making power of this Government cannot bind and compel Congress to admit new States into the Union. To this I answer, that although the treaty-making power cannot compel Congress to do any act, yet it can constitutionally stipulate for an act to be done by Congress; and, if not done, the national honor and faith will be violated, which no gentleman, proud of the high character of this nation, would desire ever to see. When a treaty is made, by which inhabited territory is ceded from one nation to another, who are the parties? I answer, not only the contracting nations, but the people living on the territory which is bought and sold; and the inhabitants, by agreeing to the cession, for they cannot be transferred without their consent, (see Vattel, page 118-19,) have paid a valuable consideration for all stipulations in their favor; and what is more, being the weakest of the three parties, magnanimity requires towards them at least a scrupulous fulfilment of all conditions in their favor.

But, Mr. Chairman, shall it be said at this day, that that treaty is not binding on the nation? Has not Congress ratified and confirmed it in innumerable instances? Has not Congress advanced and paid the purchase money? Has she not created a new State out of it, and laid the balance off into Territories, surveyed the land, sold it, and received millions of the purchase money? If all those acts do not amount to a ratification and confirmation of the treaty on the part of Congress, I would be glad that gentlemen would point out what further act can be done to give it additional efficacy.

From the foregoing remarks which I have made, Mr. Chairman, these facts and positions are manifest: First, the Declaration of Independence cuts no figure in this question. Secondly, there is no respect to be paid, no weight to be attached to the precedents adduced by the gentlemen on the other side. On the part of Missouri, her numbers, the custom of this Government in similar cases, and the treaty with France, all, all conjoin in enforcing her claims to admission. But, Mr. Chairman, why have I labored thus much to establish the foregoing propositions, and to refute the preposterous doctrines above referred to, as advanced by my adversaries, when the very amendment itself, from the manner in which it is offered, seems to admit the claims of Missouri to become a sister State.

We now come fairly to this momentous question. Has Congress the right to exact from the people of Missouri a surrender of so much of their State sovereignty as is contemplated by the amendment now under consideration? In the press of debate, it is certainly greatly desirable that we should enter into it with coolness and impartiality, and neither side be inflamed by passions of any kind, except the love of country, and a desire to promote her interest. But, alas! that seems to be impracticable.

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Behold, Mr. Chairman, and see how our tables groan with the cumbrous mass of memorials and petitions, from town meetings, colonizing societies, and emancipating clubs, together with resolutions from all the non-slaveholding States. This mode of operating upon this House is extremely unfriendly, and hostile to the enactment of good, wise and salutary laws. It prevents and destroys the beneficial effects of a free interchange of sentiments upon great national subjects. I acknowledge that three of the slaveholding States have sent also to this House requests and instructions; they were only intended by way of counteraction to the ponderous mass on the other side. I duly appreciate the motive that induced their being sent; it was a display of effort in the good cause. But it was entirely unnecessary; it was an act of supererogation, for we had been instructed before. Our instructions come from higher authority; they came from the Convention of 1788. I hold them in my hand; they are known throughout the civilized world by the name of the Constitution of the United States. In pursuing the investigation of this subject, in the order I proposed, it will be necessary, Mr. Chairman, in the first place, that we should have a clear and distinct view of the relative power of the General and State Governments. I take this proposition to be undeniable, that, were it not for the contract because the States, which is the Constitution of the United States, that the States would be completely sovereign to all intents and purposes, and that every power and attribute incidental to, or connected with, sovereignty would belong to the States. The proposition is equally incontrovertible that, as the Government of the United States possessed no sovereignty originally, or even existence itself, and being composed entirely of delegated powers from the States, that it possesses none of the original attributes of sovereignty, and it can do nothing which it is not authorized to do by the Constitution, either by an express grant of power, or by an implicit grant as necessary to carry into effect some power already given. If the two propositions above stated be correct, and of the truth of which there can be no doubt, it follows as a consequence, independent of the amendment to the Constitution, which reads in these words "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" that Congress can do nothing which they are not authorized to do, and that the States can do every thing that is not delegated to Congress, or which they are not forbid to do. The above conclusions refute all the arguments which we have heard about the omnipotence of Congress. Doctrines at all times dangerous, but extremely so now on account of their being so fashionable. In support, Mr. Chairman, of the points I have endeavored to establish, I will read from 3 Dallas—in the case of the State against Cobbett, part of the opinion of the Supreme Court of Pennsylvania, also, to the same point, part of the opinion of the Court of Appeals of Virginia, in the case of Hunter against Martin; and also the following passage from Vattel's Laws of Nations.

[Mr. HARDIN, after reading the passages from the different books above referred to, proceeded in his argument as follows:]

In pursuing this inquiry, Mr. Chairman, we must pause for a moment, until we ascertain what kind of property a man has in his slave? The answer to this question is not difficult, for none will pretend to deny but that his property is absolute and unqualified, as much so as to any property a man can possess, except the right to take from his slave his life; and this right to slave property is unequivocally recognised by the Constitution, first, in the clause which gives a representation in this House for three-fifths, and secondly, in that part which reads in these words—"no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." Mr. Chairman, having progressed thus far in the argument, I may safely say to my opponents, you allege that Congress has the power to impose the restriction? We deny it; and it being admitted upon all hands, and from all sides of the House, that if Congress have the power it must exist in the Constitution and no where else, I therefore call upon you, to lay your finger upon that part of the Constitution which will sustain you in the high ground you assume. In answer to this call, which is made not by me alone, but other gentlemen also, we see on the other side of the House nearly as great confusion and uproar as prevailed at the Tower of Babel, when the angel from Heaven was sent down to disperse the people, and confound their language. One takes one part of the Constitution, another disclaims that and selects another part; and no two seem to agree throughout. I will examine the several parts of the Constitution relied upon by each of them. One gentleman has by nightly lubrication, with infinite labor and research, found the following passage—"Congress shall have power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States,'" upon which he places great reliance. He says, that Congress has the power given to provide for the general welfare, and in doing that, she can enact and pass any law that may tend to the permanence, durability, and glory of the General Government. Sir, according to that gentleman's construction of this clause, if Congress should take up an opinion that the State governments retarded the advance and progress of the nation in its rapid and brilliant career of national prosperity, they could extinguish and annihilate them. This is a great departure from the good old democratic doctrine of 1788, which once distinguished the parties in the United States. I consider, Mr. Chairman, that the gentleman has misunderstood that part of the Constitution altogether. That clause, or I am most egregiously mistaken, contains no delegation of power further than this: Congress shall have power to do what? Answer, to lay and collect taxes, duties, imposts and excises. For what purpose? I

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again ask : answer, to pay the debts, provide for the common defence and general welfare of the United States. To pay the debts, provide for the common defence, and general welfare, are the objects to be attained, by giving Congress the power to lay and collect taxes, duties, imposts and excises; there is no delegation of power in that part of the Constitution to be found, which speaks of providing for the common defence and general welfare of the nation. But, Mr. Chairman, I am heartily tired with the continued and repeated claims of this General Welfare; when he was but a youth, we made him considerable presents from time to time, at the expense of State rights : when he grew to be a man, we provided him a handsome marriage portion by giving him a bank of thirty-five millions! He is a great favorite, for even the judiciary, who by law is to have no sympathies, has taken him under its especial care and safe keeping. It is time we should resist his claims and stop him in his high career of universal dominion. In examining, sir, his pretensions, for he is like most of our *Generals* in the commencement of the late war—only brave, formidable and dangerous on paper—we have one consolation, that is, we incur no hazard in losing our ears. Some gentlemen from the opposite side, rely upon the following part of the Constitution : "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof," as giving the power to Congress. That clause is like the last one noticed by me, it contains no delegation of power; it neither adds to or diminishes the powers of Congress; it was evidently introduced first to prevent those who were hostile to the General Government from alleging that it had no powers incidental to those expressly granted, and which were necessary to be exercised to effectuate the objects for which the Constitution was framed and adopted. On the other hand, by using the word necessary, it was intended to restrict and prevent Congress from taking too great a latitude in its selection and adoption of the means to carry into full effect the powers already granted. It seems evident to me, Mr. Chairman, that I have given the plain meaning and clear exposition of this last clause in the Constitution. This doctrine, that Congress can enact any law which she may deem needful and necessary for the health and prosperity of the General Government, is a most dangerous one, and if persisted in, must lead to the complete consolidation of this Government. All men in power are grasping after more, and, by every means in their reach, endeavoring to extend it; proclaiming to the world that power in their hands is harmless as it respects and regards the rights of their fellow men.

It is time, sir, that this plea of necessity for the extension of power, should be disregarded, and no longer allowed. I would ask you, Mr. Chairman, and this House, to cast your eyes back upon the nations of the world, both ancient and modern, from the formation of the first Government, under Nimrod, who was a mighty hunter, to the present day, and tell me, has not every encroachment upon

the civil, political, and religious rights of the people, been justified, or apologized for, under this same plea—*necessity*? The Ministers of Great Britain plead necessity for the present system of taxation, which now bows down to the earth with the heaviest load of oppression, the people of that country. Bonaparte plead necessity for his conscriptions; even the Sultan of Turkey, if he takes off the head of one of his subjects, pleads necessity. I do assure you, Mr. Chairman, that civilly, morally, politically, and religiously, a greater tyrant never existed than this same *necessity*. The ninth section of the first article—which reads in these words, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person"—has been relied on by some gentlemen, as giving the power to impose the present restriction. The words, "such persons," in that clause, I agree, mean slaves, and that the word "migration" alludes to the same description of persons as the word "importation." The restriction upon the power of Congress not to impose a higher duty than ten dollars, proves incontestably that slaves are intended by the expression, such persons. The fair construction of that part of the Constitution is this, that the States had the right to import slaves, as an article of commerce, and, when the Constitution was made, the whole, or some of them at least, did not wish to abandon that trade, or to put it into the power of Congress to stop it, until the expiration of twenty years; because, without this clause, Congress, having the complete power over our commerce with foreign nations, could have prohibited it at once; and, also, lest Congress might cut up the trade by duties too heavy to be borne, the tax or duty, which otherwise might have been extended indefinitely, is limited to ten dollars. But it is said that migration can as well mean the carrying from one State to another, as bringing them from quarters of the world unconnected, and not belonging to the United States; and, furthermore, there being no restriction upon the duty which Congress may lay upon the migration of such persons, proves that Congress, upon the migration thus intended, could not lay a duty, and that could not happen unless the word migration, as there used, intended the taking of the slaves from one quarter of the United States to another. To that course of reasoning the following answers can be given : that the word importation, as there used, is, to have its common acceptation, the bringing into our ports from foreign countries; and the word migration is intended to mean the bringing them into the United States, not through the regular channels of our commerce, by entering them at the custom-house, but in any and every other way by which they could be introduced into the United States. When they were regularly entered at our ports, it was necessary, when the right was intended to be secured to the States, to limit and restrict the power of Congress in laying a duty; but, if not entered regularly at port, there

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was little or no danger that Congress could or would, injuriously operate upon the trade by custom-house duties. There is another expression in this clause, which gentlemen in their zeal seem to have overlooked; a word which casts great light upon the meaning of the words "migration and importation of such persons as any of the States now existing shall think proper to admit;" the word "admit," which applies equally to migration and importation, shows evidently that the persons there intended were not then in the United States; for, if they were, the word "admit" could not be used in relation to persons in already.

I have, Mr. Chairman, occupied more of the time and attention of the House upon this part of the Constitution than there was any necessity for. There is one answer to all the arguments drawn from that part of the Constitution, perfectly conclusive; there is not one word in that clause which contains a delegation of power; but it is, from beginning to end, a restriction and limitation upon power already granted. I would ask you and this House, if it be not a contradiction in terms, a perversion of the import of our language, to say, a limitation of power contains a grant of power? That part of the Constitution cannot, therefore, aid the gentlemen in sustaining the doctrines they advocate; and, for all the service it will do them in this argument, it may as well be erased and blotted out of the Constitution. This clause in the Constitution has been greatly relied upon by the opposite side of the House; it reads in these words: "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." They say that the power to regulate the commerce among the several States, will authorize this restriction. In construing this part of the above clause, it will be necessary to take into view the following clause: "No tax or duty shall be laid on articles exported from any State; no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another." When we take both those parts of the Constitution together, what do they amount to? This, that Congress can lay no duty, impose no restriction, upon any article of trade or commerce, which is carried on from one State to another; that Congress has no power to prevent me from taking any of my property from one State to another; for how can it operate upon me, if it can neither lay a duty upon the goods or property carried, or lay a restriction or prohibition either upon me or my property? The intention of the Convention, in inserting that clause, was, that the States should divest themselves of all power to embarrass and trammel each others' trade and commerce from one State to another. The convention was well aware of the great benefits to the whole American people by a free interchange of commodities between the several States. I would ask, Mr. Chairman, how can it be pretended that the present amendment is a regulation of commerce between the States? It cannot be a regulation of commerce, for it is not general; it is

not applicable to the whole United States; it is only to bind Missouri. It is not in the nature of an act to regulate commerce, subject to the future legislation of this House; but it is irrevocable. My slaves are a part of my family; I do not carry them there for the purposes of commerce; I take them there to serve me; I may be unwilling to part with them upon any terms. There are ties of affection frequently existing between a master and his servants, and that may be an inducement to carry them to the place selected for his future residence. Can it, I ask, sir, be pretended that, under the power to regulate commerce between the States, Congress can set the future increase of my slaves free? No one certainly has the hardihood to assert it.

Having examined, sir, the different parts of the Constitution under which this pretended power is derived by gentlemen, I will now turn my attention to the only part of the Constitution that gives the smallest semblance of plausibility to their side of the question. It is the first member of the third section of the fourth article, and reads in these words: "New States may be admitted by the Congress into this Union." It is under this part of the Constitution that Missouri relies for admission into the Union. Those who are in favor of the amendment rely also upon the same part of the Constitution for the power to impose the restriction; and I am fully persuaded that the strength of the argument on both sides, rests upon a fair exposition of this clause. On the opposite side of the House we are told that, the word "may" being used, that Congress has a discretionary power either to admit or refuse; and if Congress have the power to refuse altogether, it can admit upon conditions such as it may think proper to prescribe; because, when a person has both the right to give and the right to refuse, that the right to refuse necessarily includes the power to give, with any qualification, the donor may choose to annex to the thing given. This argument, at first view, is imposing; but, in truth and fact, nothing more false and erroneous. I will concede to the gentlemen what they ask for, and they are indebted to my bounty for it, that Congress can refuse, as a matter of right, to admit Missouri; yet the conclusions drawn from that right do not follow; because, according to my construction of that clause, Congress must either refuse or admit, without any other or further qualification, and with no greater surrender of sovereignty, than the original thirteen States which made that Constitution gave up to the government of the Union. I would ask, what is meant by the word Union? Is it not the compact and agreement between the States, and which is called the Constitution? Is it not the bond of union, the tie that binds and unites the States together? If Congress makes Missouri surrender any portion of her sovereignty that was not surrendered by the old States, how can she be a party to the original agreement between the States; because, as to Missouri, if other substantial articles be added to the great contract between the States, it necessarily follows then that she does not become a joint partner in the original agreement, and there-

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fore, if she be compelled to part with any of her sovereignty, retained by the States which made the Constitution, she is not a member of the Union.

Sir, the gentlemen on the other side seem to have forgotten the import of the words "new States." What is the definition of the word State, as there used? The word State, when applied to a corporate body, is synonymous with the word nation, in its popular acceptance, and also in all treatises upon the subject of national law. To support that position, I would refer the House to Vattel's Law of Nations, first page. Nation, or State, is the generic term for a great political association of people; and the terms monarchy, aristocracy, and democracy, are only specifications of the kind of government. The words "new States," as used in the Constitution, are to have a qualified meaning; what I would call and consider a constitutionally technical interpretation. The import of the word State, when used by the Constitution, means a political association of people, with just the same sovereignty, and no more or less, than is severally possessed by the thirteen old States. For, if you give it less of great rights of self-government, it is neither a State in the common acceptance of the word, as defined by the laws of nations, or the Constitutional meaning of the term. You may call it a territory, province, colony, or any other kind of excrescent appendage to the General Government, or you may term it a non-descript, but I protest against its being called a State.

If the foregoing conclusions which I have drawn be correct, Missouri cannot be called upon to yield to the General Government any portion of sovereignty possessed by any other of the States, and what is more, if she surrender any part of it, Congress, which only acts as the agent of the States in this particular, cannot admit her; for, from the time of such surrender, she ceases to be a State, and it is only new States Congress can admit. Nay, Mr. Chairman, I go further, and assert it without the fear of contradiction, that even if Missouri should crouch at the feet of this Government and become its humble tool, and permit it to dictate the constitution she should have, and upon those conditions ask to be admitted into the Union, Congress, then, cannot admit her, because the other States are parties and copartners in this great governmental compact, and none shall be admitted as new members of this political community, unless it has the same capital of the original States to put into the common stock, unless she shall have the same stake at hazard. In plain English, the same quantum of State sovereignty to balance and check the powers and encroachments of the General Government, instead of becoming the dependent tool, the willing handmaid of its rapid march and proud strides towards consolidation and universal dominion. But, sir, if Congress can call upon Missouri for a surrender of any portion of her rights which are retained by the other States, where is it to stop; to what lengths can it go? Congress may, in the next place, demand of her, or any other candidate for admission, to yield the command of the State militia, to give

up the independence of the judiciary; nay, to surrender all the great rights of State Government. There is yet another point of view in which the absurdity of the gentleman's doctrine is still more manifest. The beauty in our Government consists in the admirable exactness with which the powers of Government are divided into departments, and then State governments. This I consider the life and soul of this nation. The checks and balances created by this division and subdivision of power, forms the sheet-anchor—it is the great palladium of the Republic. Now, sir, if Congress can admit new States into this Union, and require as a condition of admission by this unconstitutional, this unhallowed traffic and bargain-making, a surrender to the General Government of any of the powers possessed by the old States—what, I ask, would be the consequence? It would be this: that the elegant and inimitable architecture of this Government would be destroyed. Such a number of new States might be admitted by Congress, under such terms and conditions as ultimately to destroy the checks upon the General Government contemplated by the State sovereignties, and there would be no competent power remaining in the States to control Congress in any measure it might adopt, to the prejudice of the rights of the old States. This power, Mr. Chairman, could be directed to still more ruinous purposes: such a number of these nondescript States might be admitted as to repeal, abrogate, and destroy the Constitution itself. It is alleged as a further argument, and asked triumphantly too, if both Congress and the States cannot make a contract; and if, say they, Congress and the States both have the power to contract, these conditions are in the shape of a compact, and they can be entered into. To that I answer, that as to the buying and selling of property, the above-named parties can make an agreement; but as to the purchase and sale of State sovereignty, one has no power to buy, and the other no power to sell; and besides, as I have before observed, the other States are parties to the great national compact, and they have in their general constitution forbid this kind of bartering, or rather force work. Fully to support the above course of reasoning which I have pursued, there is still one other proposition which I must prove—that the right to retain in slavery or manumit their slaves, as the States respectively may choose, is reserved to the States exclusively. I would ask gentlemen, was not the property of individuals in their slaves recognised by the Constitution? The answer must be in the affirmative. Has the power to regulate and govern the slave property been delegated by the original States to Congress? The answer must be in the negative. If these two answers be correct, the consequence is, that the States still retain the right. But it is said that it is only a right to such of the States as then held slaves, and that it was not a general right. To that I answer, that whether the States respectively hold slaves or not, depends exclusively upon their own regulations, and not upon any power in Congress. Slavery being tolerated in some States, and abolished in others,

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proves nothing: it only displays State policy and volition on the subject.

I would call the attention of the House, Mr. Chairman, to the first member of the second section of the fourth article, which reads in these words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The part of the treaty which I have before referred to contains, in substance, the same declaration as it respects the inhabitants of Louisiana; for it says, that "they shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all rights, advantages, and immunities, of citizens of the United States." The rights here alluded to are obviously rights resulting from civil institutions; but it is contended that the rights referred to in the constitution and treaty are federal rights, and not rights which citizens enjoy under their respective State governments. Upon this point we agree. The only matter of difference consists in this—the rights which a citizen enjoys that may be called *federal*. They seem to confine themselves to those secured to the citizen under the consolidated aspect of the Government. I go further, and say, that citizens enjoy federal rights under the federative aspect of the Government. I am a citizen, sir, of the political corporation, existing in the United States, known by the name of the State of Kentucky. As a corporation and State, she has certain State rights. I would ask, are not those rights secured to her, and are not the United States bound to guaranty the full enjoyment of them? The answer must be in the affirmative. Then, sir, as a citizen of Kentucky, I have other rights that may be called federal, besides those that I enjoy in the consolidated aspect of the Government; and they are rights secured to me through the medium of the corporation or State to which I belong. If the above positions be correct, this follows as a necessary consequence—that, if you compel Missouri to relinquish any of the rights of self-government enjoyed by the other States, her citizens will not enjoy the same privileges and immunities of citizens of the several States, through their respective State governments.

This amendment under consideration, Mr. Chairman, as I said when I commenced this address, goes so far as to emancipate the future increase of the slaves already there. The Constitution provides that my private property shall not be taken from me without my consent, unless I am paid for it. I would ask if I have not as great a right in the future increase of my slaves as I have to their work prospectively? I must be answered in the affirmative. And I would challenge gentlemen to point out to me the difference, in substance, in taking from me my slave and in taking his work. They must admit there is none.

The amendment proposed, not only interdicts the further introduction of slaves into Missouri, but takes from the resident there, who owns slaves, part of the profits of his slave, without making any compensation therefor.

I have now, Mr. Chairman, gone through the two first great divisions of this subject, in the order I proposed to investigate them. Perhaps I have been somewhat too tedious, but I could not well say less. Sir, the manner in which this nation seems divided upon this subject convinces me of one thing that I have long suspected to be true, that our opinions, upon all that variety of subjects upon which we, in the course of our lives, are called upon to decide, are the result of affections and passions, and that judgment had no concern therein. Upon this occasion, we see this opinion fully illustrated; because men, distinguished both for integrity and talents, are to be found on each side; and the line that divides the parties is a local one. But, sir, the unwillingness manifested by the opposite side of the House to adjust and settle this dispute, and prevent an explosion that must shake the American world to its centre, induces me to believe that their judgments are warped by a passion, in this case, which may be denominated an insatiable thirst after power, an unwarrantable lust of dominion.

We now, Mr. Chairman, come to the last question I proposed to discuss. It is this: If there be no impediment to the powers of Congress from the Constitution, and the national faith will not be violated by adopting the present amendment, does policy dictate the measure? I do verily believe that, instead of its being expedient to impose the proposed restriction upon the people of Missouri, that it would be unwise and impolitic, as it respected the nation; it would be unjust, as it related to the slaveholding States; it would be iniquitous towards those who have been invited to settle there, and purchase our land at a high price; and a most aggravated and flagrant breach of public and national faith to those who lived there at the time of the ratification of the treaty between the United States and France. It has been said that the prohibition of slavery west of the Mississippi is a necessary measure to prevent the smuggling of slaves from Africa into the United States, because it opens an additional, more enlarged, and extended market for them. The difference in the price of slaves now between the United States and Africa affords to those unprincipled men who may feel disposed to engage in that unhallowed traffic, the most alluring temptations. The price will not be enhanced by permitting slavery west of the Mississippi, or at least by allowing, for that is the question, the people of Missouri to determine for themselves whether they will tolerate slavery or not; because gentlemen must know that the value of slaves, and the demand for them, must and always will depend, until population becomes so crowded that they cannot be usefully employed, upon the price of those exports which are the products of our soil. Have we not seen within a few years past this fact fully illustrated in the fluctuation in the price of slaves. Nothing can stop the slave trade but the vigilance of that part of our navy which is employed to prevent it. If I am correctly informed, although the gentlemen from the North sicken at the idea of slavery being tolerated in Missouri, some of their brethren have

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had their mercantile cupidity aroused and put into action by the immense profits of this trade. Mr. Chairman, this crying sin, this traffic in human blood, the late smuggling of slaves, of which we have heard so much, do not rest solely upon us; the land of *sober habits* must bear a large share of the guilt.

It is furthermore alleged, that, by permitting slavery in that country, it will operate upon and diminish the efficient force of the nation, that the people of the slaveholding States will be able to pay their proportions and contribute their contingents in money, but can add nothing to the military strength of the nation. That assertion needs no refutation from me. The history of the country, from the earliest settlements, to the present day, proclaim that declaration false and groundless. I would appeal to the generosity and magnanimity of the people from the North for an open and explicit contradiction of that assertion. Let every battle in the late war testify to the contrary; nay, more, when a haughty and insulting enemy was in sight, they never had any Constitutional scruples in crossing their State line. How fortunate for the prosperity and integrity of these United States would it be had the North the same reverence for the Constitution now, in the councils of the nation, that they had last war in the field of battle; but perhaps the remark which I have been answering, when made, was not intended to call in question the bravery, patriotism, and courage, of the people of the South and West, where slavery was tolerated, but only intended to convey the idea, that part of the white male population was needed at home, in times of war, to keep down the spirit of rebellion and insurrection in the slaves. Admit their position in that respect to be correct, what is the remedy which ought to be applied? I answer and say, disperse and scatter them throughout the American continent as much as possible, render the disproportion between the white and black population as great and obvious as practicable, and that is the surest way of preventing the slaves from rising in arms; by these means you present to them, in the most clear and striking point of view, their own weakness, their total incapacity to regain their liberty. But, on the other hand, if we adopt an opposite course of policy, and confine the slaves to a few of the States, in those States the blacks will become most numerous in all probability; they have no education, no information; they are incapable of taking a survey of the strength and resources of this nation, compared with their own; they can only draw the comparison within the immediate circle of their respective neighborhoods. The consequence of this will be, that, impatient of restraint, repeated abortive efforts will be made to regain their liberty, and each attempt of that kind will be marked and characterized first by murders, assassinations, massacres, and conflagrations; and when this spirit of insurrection is quelled, numbers will be punished with exemplary vengeance, and the situation of the rest rendered more miserable. It ought not now to be forgotten that we are not called upon to decide whether slavery shall

be admitted into the United States or not; we have them here; we cannot get clear of them; to set them free, would be to become a prey to their lawless depredations. The countries they would infest would be rendered to us uninhabitable: the immediate question now before us is, what is best to be done with them? Their further importation is already prohibited. From the facilities of our laws of naturalization, emigration is invited from every quarter of the world; the white population is gaining fast on the black; nothing is to be apprehended, then, from them, if we do not pursue the policy of confining them to a small part of the United States. Gentlemen say that the great object of their policy is the happiness and felicity of the slaves; the amelioration of their wretched condition; if that be their object, it is certainly laudable, but it is unquestionably misdirected.

Mr. Chairman, do we not know that the happiness and comforts of those in slavery depend upon a few being owned by one man; for, when hundreds are thrown together upon one place, under an owner who knows them not, who has no affection for them, miserable indeed is their condition; but, on the other hand, when a few only belong to one man, he knows them, he loves them, he considers them a part of his family; some have been the companions of his youth; others are raised by him, and are the playmates of his children. There is, then, a mutual affection between the white and black part of that family. When in this situation they are truly happy, so far at least as is consistent with slavery. They want nothing; they are crossed by nothing. The last is a source of felicity that we poor busy politicians never know. We have heard from the other side of the House that the toleration of slavery west of the Mississippi will greatly add to their numbers by a rapid increase. Have gentlemen who support this amendment viewed this proposition in all its bearings, and seen how it will quadrate with the principles of religion and humanity, under the specious garb of which they make their sly political advances to the attainment of power? I would ask them how the population of slaves is to be retarded? The dread of suffering by want—one of the causes which retard the free population—will never prevent them from the propagation of their species. The other means of effecting either a diminution of their numbers, or of preventing an increase, is by withholding the necessities of life, hard usage, and so crowding them together as to beset and engender maladies of one description or other. On the other hand, a rapid increase of their numbers is a complete demonstration of their situations in life being comfortable. This course of policy of these humane gentlemen to withhold all the comforts of life from the slaves, to prevent their increase, and in that way, out of pure love for them, to extinguish slavery altogether, is what I would call humanity with a vengeance. But it illustrates what I said I suspected in the first part of this address—the amelioration of the condition of the slaves, which was captivating to the heart of the philanthropist and religionist, was only an empty barrel thrown out to the whale. I would ask those honorable

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gentlemen if our country is so thickly settled at this time as to make it necessary to adopt any course of policy intended and calculated either to diminish or retard, by withholding the comforts of life, the numbers of any part of the inhabitants of this land? Do they expect it will for centuries yet to come? China, I believe, is the only spot upon the earth where the population is pressing against the limits of subsistence, and where the execrable policy of infanticide has been sanctioned by Government.

This amendment is fraught with the greatest injustice towards the people of Missouri. Those who lived there and had slaves, when that country was transferred to the United States, were told in the most solemn manner by the very terms of the treaty itself, that they were to be secured in the free enjoyment of their property; and it was then well known to the contracting parties, that a great number of the inhabitants had slaves. To those who have moved there since, what has been the language of this Government to them? It was, that slavery should be tolerated there, because Congress, in the territorial administration of the government of that country, did not prohibit it. Under the persuasion that that description of property was and would continue to be well secured to the rightful proprietors, numbers have been induced to move from all the slaveholding States, to that country, and carry their negroes along with them. That quarter of the world being alike free and open to emigrants from all parts of the United States, the demand for land was increased, the price of it enhanced, and this Government had been the gainer thereby. Carry this amendment, and what is the result? A violation of national honor and plighted faith to those who are there, and who have not the means of resistance. They are completely at our mercy; and although justice is on their side, they have no way to obtain it, unless we grant it to them. But I am afraid that their appeal for their political rights is addressed to a tribunal with which justice, humanity, and religion is but a name, a shadow, a phantom. We are told that the slave property which is now there, shall be secure to the owners. I have shown that the increase is to be taken from them. If the amendment shall be adopted, and the same, from necessity, acceded to by the people of Missouri, what will follow as the consequence? This—that emigration from all the slaveholding States being substantially prohibited, the population will flow into that country exclusively from the North, and in the course of a few years, by State regulations, their slaves will be taken from them. The gentlemen who advocate this amendment, well know the consequence that will follow from the restriction as now proposed. Their declaration that the slave property now there is not eventually to be affected, is insidious; it cannot deceive us, the nation, or gull the people of Missouri. If this were not the expected and looked for consequence, that master stroke of Northern politics, to make it a non-slaveholding State, would be an abortion, and fall short of its mark. The people of Missouri have sagacity enough, if this amendment shall be

adopted, to know upon what they have to depend; that is, either resistance to the measure, or an abandonment of their country and homes, because they never will consent to give up and lose their slave property. If they choose the latter alternative, and seek out other countries to remove to, and other lands for habitations, their possessions which they have purchased in its virgin state at a high price, and with great labor rescued part of it from the forest and wilderness, will have to be thrown into the market. That, together with the land of the Government, which will be for sale, will greatly reduce the price, on account of the disproportion between the article in market and the demand. Those of the inhabitants of Missouri who will be expelled their country by this restriction, will be compelled to sell their lands at whatever price that may be offered; the purchasers will be from the North; and the people of that country, although famed for their outward show of religion, humanity, and sober habits, have never been remarkable for their liberality, but on the contrary, notorious for their capacity at driving a good bargain: They are, in truth, exceedingly sharp-sighted, in moneyed matters as well as politics. There are other considerations, which ought to prevent the passage of the present proposed restriction. Injustice, as it relates to the slaveholding States. They form, in point of numbers, one half of this Union. They paid their proportion towards the purchase of this territory. I would ask of this House, Mr. Chairman, and particularly those who advocate the opposite side of the question, if towards those States it be fair, honorable, and just, by the dead weight of numbers here, to interdict and prohibit their inhabitants from an equal participation in the enjoyment of the country west of the Mississippi, the largest and fairest portion of the American world? Where, I would ask, can the people of those States which tolerate slavery move to, if you forbid them, by a system of measures, from going there? The whole of the territories, except the Missouri, which belong to the United States, have already been surrendered to the non-slaveholding States; for it must not be forgotten, that where slavery is prohibited, there the slave owners cannot go, because they cannot give up their slave property. Nay, more, in a variety of cases, even affection forbids a separation. It has been said, that we can move, if we are desirous to emigrate, to the Mississippi and the Alabama; but I would ask, how can a Marylander, a Virginian, and Kentuckian, move there? He and his family have been accustomed to a colder climate. It is uncongenial to their constitutions. The danger of sickness will to them be alarming, and they never will attempt a removal to those States, a few rare instances excepted. If you take from us the whole of the Missouri Territory, we strike at once, and give up the ship.

We are reminded, Mr. Chairman, again and again, that the people of the East and North cannot emigrate to countries where slavery is tolerated, because the sight of a fellow-being in bondage is so abhorrent and repugnant to their feelings. This is a story which will not bear telling; it is falsified and disproved by every day's observation. Slavery

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exists in this District. Hundreds of slaves are seen here every day. Yet we see with what ardor, zeal, and pertinacity, the gentlemen from the land of sober habits contest the rights of each other to seats on this floor. But for that they may perhaps have the common apology, that it is patriotism to their country, and justice to their constituents; or rather say the per diem prompts them to do it.

We are told, Mr. Chairman, by those who advocate this amendment, that a strong motive with them is the inequality of the representation between the slaveholding and non-slaveholding States. This feature in the Constitution was obviously a compromise, by the members of the Convention, and is only one among a number of other clauses in that instrument which show the great efforts that were made by the fathers of our country who framed the Constitution, to reconcile the jarring and conflicting interests of the several parts of the United States. However, we pay an equivalent for it in direct taxation. But I desire them to answer this question, How will that inequality be increased, diminished, or operated upon by the rejection or adoption of the present amendment? If the slaves remain in the present slaveholding States, instead of being removed, their population will be the same; so that their numbers will not be affected either by an admission into, or an exclusion from, the country west of the Mississippi, unless the policy of the gentlemen is to crowd them upon as small a tract of country as possible; and thereby, through want of the comforts and necessities of life, either to diminish their numbers or retard their natural increase. But the gentlemen will not avow that to be their policy; for then they would lose all that portion of their friends who have enlisted under their banners for the genuine effusions of humanity. Their object cannot surely be to emancipate; because, in that event, the whole instead of three-fifths, would be represented on this floor.

This argument, like all others, from the beginning of this debate to the end, is unfounded and fallacious. Take all their arguments, examine and compare them; they will be found inconsistent and contradictory; not only one with another, but at open war with that specious policy which they give out as the moving cause to their present efforts: that is, humanity and religion. These captivating terms, and all their arguments, are only intended to rally under their banners the religious, humane, benevolent, and philanthropic.

Why, I ask, all this disagreement among themselves, in the positions they have endeavored to maintain on this floor? Why is the same gentleman's argument inconsistent, one part with another? Does it arise from a defect in the clearness of their perceptions, or an embarrassment in their delivery? I answer, no. What, then, is the cause of this confusion? Nothing but this: It is, as I said at first, a contest for political power. It is intended to give to this Union a majority of non-slaveholding States, and that a new party shall arise, and the name of Federalist and Democrat, Whig and Tory, Hartford Convention men and a real patriot, shall all be consigned to the silent tomb

of oblivion, and that slavery in the United States, or universal emancipation, shall be the rallying point and the political watchword. The calculation is, then, that the North, having a majority of the non-slaveholding States, will give law to this nation, and Federalism, not of the honest and patriotic kind, but of that description which wished success to Great Britain during the last war, shall again raise its head; and by this grand, yet execrable manœuvre, rule this once happy land; which God, in his mercies, forbid! I say these are the objects of the prime movers, the master spirits of this storm, and they dare not avow them; hence the disorder and confusion in their ranks, not in giving their votes, but in assigning their reasons for the same.

I have but a few words more, Mr. Chairman, and then I am done. I call upon the gentlemen from both sides of this House, to tell me what is to be the consequence if this section be not settled in some way this session? I may be asked, how is that to be done? I answer, by a compromise, and in no other way. Can either party be so vain as to expect a victory? Behold! and see how this nation is divided: eleven States against eleven; a small majority in this House in favor of the amendment; a small one in the Senate against it, and the Cabinet, perhaps, not unanimous. In this state of public sentiment the bill falls, and Missouri is not permitted to become a member of the Union. Her claims are just and well founded, but we have refused to recognise them, and turned a deaf ear to her petitions, from time to time; not only that, but manifested a strong disposition not even to allow her citizens the rights of self-government, the birthright of all Americans.

The flame of seventy-six may burst out. They call a convention, form a constitution agreeably to their own ideas of the best practicable mode of obtaining happiness; they disclaim their territorial vassalage, and set up for themselves. Are we to drive them to submission at the point of the bayonet, because being citizens of the United States they claim the high destinies of freeborn men? If the bayonet is the policy, who is to wield it? Not the Southern, Western, or Middle States, for the hearts of their people are with them; and, ten chances to one, if arms, the last argument of nations, are resorted to, they will assist and aid them. This dispute is like no other that ever came into this House, that was ever before the Legislative body of this nation. Party spirit, I know, has at times run high, but the great danger from this question as it relates to the safety and integrity of the Union, is this, that it is not the same State divided into parties; it is not the States in the same section of the Union divided against each other? It is the North and East against the South and West. It is a great geographical line that separates the contending parties. And those parties, when so equally divided, shake mighty empires to their centre, and break up the foundations of the great deep, that sooner or later, if not settled, will rend in twain this temple of liberty, from the top to the bottom. My friends reply to me, and say, how can you compromise, how can you surrender principle?

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It strikes me, Mr. Chairman, that this matter can be settled with great facility, if each party be so disposed, and neither give up any point in this question which may be called principle. Can it not be done by permitting Missouri to go into the Union without the restriction, and then draw a line from the western boundary of the proposed State of Missouri, due West, to the Pacific? North of the line prohibit slavery, and South admit it?

The principle we contend for is, first, that Congress cannot demand a surrender of any sovereignty from a new State which is retained by the old States. In the proposed compromise this principle will not be violated. Next, we say that the faith of the nation is pledged to the people of that Territory. Neither will this principle be given up, for the Territory upon which the compromise, as contemplated, is intended to operate, is a wilderness, no inhabitants, citizens of the United States, living thereon. As it respects the gentlemen who are in favor of the present proposed restriction, it is no sacrifice of principle if they, finding that they cannot gain all they contend for, are content with partial success. I beg them to beware one thing, as they love and revere this Union, not to push matters to extremities; for, although they may have a majority on this floor, we will never submit at discretion. I call on them to recollect the old proverb, "beware of the desperation of a peaceable man." No, Mr. Chairman, sooner than be delivered over, not to our brethren, either in politics or affection, but a Federal party in the North, bound hand and foot, and to have no voice, no lot, no part, in this Union, we will burst all the ties and bonds that unite us together, and stand erect in our own majesty, as did that mighty man of old, when Delilah said, "the Philistines be upon thee Sampson." I do, therefore, Mr. Chairman, conjure the gentlemen from every part of the House, for, and on behalf of this Union, its integrity and indivisibility, not by party rancour and animosity, to arrest it in its rapid march to a point of national felicity, glory, and prosperity, never known, either in the old or new world. Let neither side any longer contend for victory; for should either party succeed, and finally triumph, the pride of victory on one hand, and the mortification and humiliation of defeat on the other, will widen the breach and prevent a cordial reconciliation. Before this contest is pushed to extremities, let us meet each other on this floor half way, and embrace as brothers of one great political community, bury the tomahawk of party warfare, and smoke the pipe of peace.

When Mr. H. had concluded—

Mr. Cook, of Illinois, rose and addressed the Committee, as follows:

Mr. Chairman, in rising to address the Committee on the subject now under consideration, I feel greatly that embarrassment which is incident to youth, in addition to that which is almost necessarily felt by all in approaching a subject so delicate and momentous in its nature. And, sir, were I otherwise situated than I am, I should gladly withdraw from the conflict, and leave the field to those whose age and experience better qualify

them to maintain it. But in addition to the common interest which is felt by all the friends of this amendment, I feel, and the people whom I have the honor to represent really have, an interest peculiar to themselves. The existence of slavery is acknowledged on all hands to be a misfortune and an evil in our country, and experience furnishes sad evidence of the evils and inconveniences that are felt in those States where it does not exist, from its existing in a neighboring State. Missouri and Illinois are separated only by the intervention of the Mississippi river. Their immediate adjacency, therefore, gives rise to a particular interest, superadded to the common interest felt by the people of Illinois. Thus situated, I feel it my bounden duty to give the amendment my support, and shall give that situation as an excuse for my venturing to trespass upon the attention of the Committee, by taking a share in this debate.

But, Mr. Chairman, before I engage in the examination of those great questions which are involved in this amendment, I must beg the indulgence of the Committee while I attend to some remarks which have fallen from gentlemen in the course of this discussion. It has been remarked as frequently as gentlemen have been heard in the opposition, that they are sworn to support the Constitution; and it has been further said by a gentleman from Virginia, (Mr. RANDOLPH,) that those who support the amendment are striving to enter the temple of the Constitution at the hour of midnight to violate its sanctuary. It is further said by a gentleman from Massachusetts, (Mr. HOLMES,) that they are striving for power, and are paving the way for some master juggler, behind the scene, to ride into the Chief Magistracy of the nation. [Here Mr. HOLMES interrupted Mr. Cook, and observed, that he had said, that he believed there was a party who had conjured up this hobby, playing a deep game, and who, he believed, intended to try to turn this measure to their advantage, and ultimately to secure to their leader the Presidential chair. But that, from that party he had expressly excepted the gentlemen of this Committee.] Without having any recollection of the exception now spoken of by the gentleman, continued Mr. C., I must say, that the explanation has made the insinuation, which I before considered a direct attack upon the integrity of those with whom I am acting on this occasion, no less unpalatable than it was before. That there has been a hobby conjured up out of doors, and, by urging it, that we are striving for power, and that a master juggler, at the head of that party, behind the scene, expects to turn that power, if attained, to his advantage, is, to my mind, leaving the imputation as strong in fact, though not so in expression, as I originally understood it. Sir, if I were to look through this Committee for one to suspect of being under the influence of such motives as have been insinuated by the honorable member, there is no man on whom that suspicion would sooner fix itself than the gentleman who has just interrupted me. And I would further remark that I, as well as gentlemen in the opposition, have sworn to support the Constitution; and while I will say

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to them, "act in pursuance of your honest convictions," allow me also to do the same.

In the course of my observations, Mr. Chairman, I shall not repose with confidence on all the positions which gentlemen have assumed who have preceded me in support of this amendment. I shall, however, undertake to prove that the Constitution, according to a fair and liberal construction of that instrument, does vest the power in Congress to legislate upon this subject; that the treaty, even if it were competent for a treaty to do so, has not infringed that power: and I shall further undertake to prove that it is expedient to exercise it.

In doing this, Mr. Chairman, I shall not rest alone upon the provision in the Constitution which imparts the power "to provide for the general welfare." But I shall be far from considering this Mr. General Welfare, as the gentleman from Kentucky (Mr. HARDIN) has styled that provision, a great political scoundrel. No, sir, I shall look to him as my great captain—my captain general—in the march of my argument, and shall discard all arguments which are not promotive of his interests. Nor shall I, Mr. Chairman, as that gentleman, as well as a gentleman from Virginia, (Mr. SMYTH,) has done, complain of and denounce the propriety of being furnished with the sentiments of the people, through memorials, pamphlets, or resolutions, as they may choose to communicate them, on this important subject. No, sir, I hold the right of the people to assemble and make known their wishes, opinions, and feelings to their Representatives, in any decent manner which they may choose to adopt, too sacred either to be abridged or discouraged by treating the result of their inquiries with entire neglect; much less with entire contempt. Sir, I rejoice that I live in a country where the people have the right of discussing all measures of government; and I still more rejoice that they exercise that right. While they do exercise it, there may be some hope of preserving the purity of our institutions. Each man, by thus discussing those measures, becomes more or less qualified to stand as a sentinel on the watch-tower of the nation, to guard its liberties, and, as he becomes qualified, his willingness increases to perform that holy duty. I will be the last man to invade this high prerogative.

I shall not, therefore, as those gentlemen have done, treat those pamphlets, memorials, and resolutions with contempt and severity, but with respect and deference; reserving to myself the right, however, of judging of the constitutionality of all measures; for I do not consider instructions, either legislative or popular, so binding as to require the representative to violate the Constitution; but they are certainly entitled to great weight in deciding upon matters of policy.

But, sir, to proceed to the Constitution. The 9th section of the first article contains the following provision:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on

such importation, not exceeding ten dollars for each person."

Gentlemen in the opposition have differed as to the objects to which those two words, "migration and importation," apply. Some say they apply exclusively to slaves, but contend they were used as synonymous terms. Others say that the power to prohibit migration is given in aid of the power to prohibit importation. And others contend that it is given to prohibit the migration of free white persons, when the public security may require it. From the language of that clause of the Constitution, Mr. Chairman, without any other evidence of the intention of its framers, I think it must be apparent to every candid mind that they meant slaves, and slaves only; for, although the existence of slavery in the nation required many Constitutional provisions in relation to them, yet you will find that, whenever slaves are meant, the word persons is invariably used in describing them. But, it is said by the gentleman last up, (Mr. HARDIN,) that the restriction as to the time when Congress shall exercise this right of prohibiting the importation and migration of slaves, is a restriction upon power, and no delegation of power; and that the power of prohibiting migration does not exist in Congress, even after the year 1808, the period at which the restriction expired. What, sir, a restriction upon power, when no power exists to be restricted! That no power should exist in Congress to prohibit the importation or migration of slaves, and that the framers of the Constitution should still deem it necessary to restrict the power of Congress, previous to the year 1808, is to my mind attributing to that body the commission of an absurdity that, to say the least, appears in no other part of that instrument. No, sir, the restriction upon any power necessarily presupposes the existence of that power; and, although this clause of the Constitution does not contain a delegation of power in express terms, it does, by a necessary and universal rule of construction, admit its existence. It is, sir, in technical language, a negative pregnant, negating the power of Congress for a given period, and affirming it after that period. But, sir, if this clause of the Constitution means white persons in any part of it, why confine it to the States "now existing?" If it were necessary to restrain Congress from passing laws, prohibiting the migration of free white persons into the States already settled and admitted into the Union, I can see no good reason for leaving that power unrestricted, when new States, not then admitted, and which might stand in greater need of population, should come in question. Such a construction, sir, is hostile to the obvious import of the language made use of by the framers of the Constitution, and still more hostile to the genius of our Government, which intends to open its bosom as an asylum, and invite emigration. But that the word "importation" was intended to apply to slaves, is admitted on all hands; and, if so, I would ask, why insert the word migration directly after it, and leave them both to apply to the word persons, without distinguishing between the kinds of persons on whom they were respectively to operate? But, Mr. Chairman, we are fortu-

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nately provided with the Journal of that Convention who bequeathed to this nation, I trust, the eternal charter of our liberties, the Federal Constitution; and, as this clause of that Constitution is to have an important bearing upon this subject, according to the view I take of it, I beg leave to ask the attention of the Committee to such part of its history as I conceive calculated to shed any light upon the subject.

In the 4th section of the 7th article of the report of the committee of five, who reported to the Convention the plan of a Constitution, the following proposition will be found: "No tax or duty shall be laid by the Legislature (meaning Congress) on articles exported from any State; nor on the migration or importation of such persons as the several States shall think fit to admit; nor shall such migration or importation be prohibited." By this proposition, it will be seen that no tax was to be imposed either on migration or importation. Nor was such migration or importation ever to be prohibited by Congress. When this report of the committee was taken up in the Convention, it was moved to insert the word "free" before "persons," and thereby defeat the restriction which was intended to be imposed on the power of Congress to tax the importation and migration of slaves. The question not being taken on that day, the proposed amendment was, on the following day, withdrawn, leaving the slaves as yet free from taxation, and placing it beyond the power of Congress to prohibit their importation or migration, wheresoever the States might think fit to admit them. But, sir, previous to this period, the great question of apportioning the representation had been discussed for near forty successive days; and it was readily seen by the members from the non-slaveholding States, that if they permitted the perpetual importation of slaves, and also the migration of those slaves, into the new States, that, from the great number that might be imported, and that might migrate with their owners into the new States, the balance of power might always be held against them by the accumulation of slave representation; they therefore moved to commit that clause to a committee for compromise and amendment; and the committee accordingly reported, two days thereafter, the following amendment as a substitute for the clause committed: "The migration or importation of such persons as the several States now existing shall think proper to admit, shall not be prohibited by the Legislature (meaning Congress) prior to the year 1800, but a tax or duty may be imposed on such migration or importation, at a rate not exceeding the average of the duties laid on imports." By this proposed amendment, Mr. Chairman, it will be seen that the right of importation and migration was to be confined to such States then existing as might think proper to admit them; and, also, to leave Congress to the exercise of its sovereign power on these subjects, which embraced the right of prohibiting their migration or importation, after the year 1800. But the right to lay a tax both upon importation and migration, according to the average duties laid on imports, was still reserved.

This provision, however, did not suit the views of the Southern States, and, accordingly, on the next day it was moved to extend the restriction to 1808; and it was agreed to. But, lest it should be misunderstood as to what description of persons this provision was intended to apply, it was on the same day moved to substitute the following instead of the before recited clause: "The importation of slaves into such States as shall permit the same, shall not be prohibited by the Legislature of the United States until the year 1808." This proposition, because it used the obnoxious term "slaves," because it did not except new States, and because it reserved no right to impose a tax on such importation, was promptly rejected.

The provision now in the Constitution was then proposed and adopted; varying, as will be seen, from the report of the select committee, which had left both the importation and migration of slaves subject to the average duties of imports, so as to make their importation only subject to taxation, and limiting that tax to so moderate a sum as to prevent Congress from virtually prohibiting such importation by the imposition of a heavy tax, and leaving the migration, which, Mr. Chairman, means nothing more nor less than the removal of slaves from one State to another, free from taxation; an exception that was necessary to be made in order to preserve inviolate that clause of the Constitution which had provided that "no tax or duty shall be laid on articles exported from any State."

Having thus traced this provision in the Constitution to its final adoption, I think there can be but one opinion, at least as to the description of persons on whom it was intended to operate. And I think the examination will also contribute much to prove that the right was understood and intended to be vested in Congress, to prevent the migration of slaves into the new States, from the time of the adoption of the Constitution, and even in the old States, after the year 1808—a power essentially necessary to check an evil which produced so much difficulty in settling the principles of the Constitution.

Indeed, Mr. Chairman, it seems to me that we can plainly see through all this mysterious arrangement of dates and restriction to the then existing States, if we will for a moment advert to the ordinance of 1787, by which the faith of the Old Congress was pledged to admit into the Union the new States to be formed within the boundaries of the Northwestern Territory, as non-slaveholding republican States. If the power of Congress to restrict slavery had been tied up in relation to the admission of those States until the year 1808, new States might have come into the Union prior to that period from that quarter; and, if they had desired slavery, the power of virtually repealing that ordinance might thus have been given to those new States, which was a compact between the people of the United States and of that Territory, and subject to be dissolved only by their mutual consent. And hence also the delegation of that discretionary power which Congress has of admitting new States or not, as I shall attempt to prove hereafter.

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But, sir, slavery unhappily existed in our country previous to the adoption of the present Constitution, and, in order to secure the blessings of a union of the States, which, by their joint energies and the united sacrifice of their blood and treasure, had achieved a glorious independence, mutual concessions were necessary to be made to and by the respective sections of the empire. Slaves, therefore, because they formed a considerable share of the Southern population, and not because they gave strength to, for they in fact enfeebled, the physical force of the country, it was agreed should be represented in Congress, making five slaves equal to three white persons in the enumeration. And in the same spirit of compromise and concession to the South, the right to import slaves and also to take them from State to State, as the States themselves might allow, until the year 1808, was also guarantied by that clause of the Constitution. And, in consideration of these advantages, the South surrendered in favor of the North the right to Congress to stop both their importation and migration after that period. And, sir, the word migration here, is sufficiently explained, when I say that the right to import into the States on the seaboard might not be construed to imply the right of migrating with them to States in the interior, and hence it was deemed necessary to guaranty, prior to 1808, as well the right of migration as of importation.

To test the correctness of the construction, Mr. Chairman, let us examine the practical exposition which this article has received since the adoption of the Constitution down to the present period. Gentlemen, I am rejoiced to say, both from the South and North, have displayed a noble, a magnanimous, and, indeed, sir, I might say, an equally holy zeal, to put down that diabolical and unchristian practice, which has so long disgraced the civilized world, the slave trade. In 1807, Congress passed a law expressive of the deep abhorrence of that nefarious traffic, which was felt by the nation, to take effect on the 1st day of January, 1808, the first hour that it could operate after the expiration of the restriction imposed by the Constitution on the power of Congress over that subject. That law forbade the importation of slaves into the United States, or any of their Territories, and imposed a heavy penalty for its violation. On the 20th of April, 1818, a supplement was passed to that act, providing new guards and penalties against such importation. On the 3d of March, 1819, another law was passed, authorizing the employment of the armed vessels of the United States, and an appropriation of one hundred thousand dollars was made still to further the views of the country, to put down this baleful and unhallowed practice. Thus the zeal and the wisdom of the Government has been exerted for twelve years, in the cause of humanity.

But, sir, from what source, I demand of gentlemen, have they derived this power? from what provision in the Constitution do they derive the power to employ the money and the arms of the nation, to rescue these unhappy beings from the hands of lawless oppression and vile cupidity? Sir,

it is the same clause of that Constitution from which I derive my power to vote for a prohibition to the migration of slaves into Missouri. And if gentlemen will search that Constitution till, like the gentleman from Virginia, (Mr. RANDOLPH,) their eyes are worn out in the service, they can find it nowhere else. But, I ask, do they find it in that clause? No, sir, it is not there; that clause contains no delegation of power—it is a restriction upon power. According therefore to this course of reasoning, there is no power in Congress to prohibit this infamous, this disgraceful traffic, and gentlemen have, in this case, as well as in the admission of new States upon condition, heretofore been exercising a usurped authority. Sir, such is not the fact, nor will gentlemen consent to such reasoning. No, sir, we have the power to prohibit the importation of slaves, and that very clause gives us the power; and it gives it to us by construing it, as I have once said, as a negative pregnant negating the power of Congress to prohibit such importation until 1808, and after that period affirming that power. Sir, it is by this course of reasoning, and this only, that we can arrive at any power to act upon this subject. We therefore, Mr. Chairman, have power in both cases, or we have it in neither.

I think, sir, I have now shown that, if Congress has the right to prohibit the importation of slaves into the United States, it has the power to prohibit their migration into the proposed State of Missouri. And I trust, sir, when I come to treat of that provision of the Constitution which authorizes the admission of new States into the Union, I shall be able to satisfy the Committee that it was the intention of its framers to leave this very subject open to the future decision and legislation of the nation. But, before I ask the attention of the Committee to that part of the subject, I will beg leave to offer a few remarks in relation to the practical exposition of the power of Congress to admit States into the Union upon conditions.

Congress, at its first session after the adoption of the present Constitution, passed a law declaratory of the validity of the ordinance of 1787, in which it was provided that, in the States to be formed therefrom, slavery should not exist. This law was approved by the illustrious WASHINGTON, who had just before witnessed the deliberations of the Convention, on that interesting and important subject of slavery, and had all those adverse feelings and jarring interests which attended that discussion in the Convention fresh in his recollection, for he was President of the Convention.

Sir, every President, I believe, who has been in office since the time of Washington down to the present day, has approved some act of admitting a new State into the Union; and none has been admitted since that period, which has not had some condition prescribed as the terms of its admission. Even the present Chief Magistrate, Mr. Monroe, has recognised this doctrine in the admission both of Alabama and Illinois, and he has recognised this very identical restriction on condition in relation to the latter. Yet gentlemen tell us, it is all a barefaced usurpation of power

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which Congress has been thus exercising, and which all the Presidents have been sanctioning.

✓ Sir, I will not cast that reflection upon those illustrious personages who have administered this Government, nor upon those gentlemen who have preceded us in this body, which so bold an accusation implies. That such a system of usurpation should continue in practice without interruption for thirty years—sanctioned by almost every successive Congress, in some shape or other, by Washington, Adams, Jefferson, Madison, and even the present Chief Magistrate, Mr. Monroe, is, to my mind, a position which would only be taken in a desperate cause, in support of a desperate measure. Sir, a construction thus acquiesced in becomes something like a principle of the Government not now to be shaken, and particularly by those who have heretofore acquiesced in it, and given it their sanction.

✓ But, for the sake of argument, admit that the ordinance was unconstitutional at the time of its adoption in consequence of the want of power in the Old Congress to agree to the admission of new States, without consent of nine States, which gentlemen say was not the case—does not the present Constitution give that power to a majority of both Houses? and did not the first Congress, under this Constitution, virtually re-enact it when they passed the act adapting it to the new state of things? Surely they did. But I will go further, and admit that the sixth article was intended only to operate on the Territory and that, under its original enactment it had performed its office, when States were organized. Yet it must be borne in mind that it has been revived, even if that were the case, three several times since, I mean when those States which it embraced applied for admission, and has, by virtue of such revival, become now a matter of compact between each of those States and the United States, and I think Congress would consider it a violation of that compact for either of those States to undertake to admit slavery hereafter.

In the case of *Stuart against Laird*, 1 Cranch, page 299, decided by the Supreme Court of the United States in 1803, this doctrine is laid down:

“Another reason for reversal is, that the Judges of the Supreme Court have no right to sit as circuit judges, not being appointed as such; or, in other words, that they ought to have distinct commissions for that purpose. To this objection, which is of recent date, it is sufficient to observe, that practice and acquiescence under it for a period of several years, commencing with the organization of the Judicial system, affords an irresistible answer, and has indeed fixed the construction. It is a contemporary interpretation of the most forcible nature. This practical construction is too strong and obstinate to be shaken or controlled. Of course the question is at rest, and ought not now to be disturbed.”

And, in the case of the United States' Bank, so ably argued, and then so ably decided by the same court, during the last Winter, (see 4 *Wheaton*, 400,) the court recognises the same doctrine—contending, however, without the aid of precedent, that

the charter is the offspring of legitimate legislation on the part of Congress.

Mr. Madison also, in his Message to the Senate in 1816, communicating his disapprobation of the bill which had passed both Houses of Congress, incorporating a National Bank, makes these observations:

“Waiving the question of the Constitutional authority of the Legislature to establish an incorporated bank, as being precluded in my judgment by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications in different modes of a concurrence of the general will of the nation.” &c.

Thus, Mr. Chairman, it will be seen, that, upon the principles established by the Supreme Court, recognised in two cases which I have cited, and upon a principle recognised also by President Madison, this question should now be considered as in some degree settled, if not precluded. The gentleman from Kentucky, (Mr. HARDIN,) however, will not admit that precedent ought to have any weight in settling the principles of the Constitution. What, not a precedent made by some of the very framers of that Constitution! A precedent, also, produced by a concurrent legislative exposition! Sir, General Washington and Mr. Madison, who have both given their approbation to this construction, were members of that Convention. And, yet, shall it be said their construction should have no weight? The gentleman however claims, I perceive, the benefit of precedent when it operates in his favor. He tells you that Missouri is entitled to admission from her numbers, although the Constitution says nothing about numbers. Yet, he says, that other States have been admitted with less than sixty thousand, which forms a precedent by which Congress ought to be governed in admitting Missouri. Sir, I will be candid. I will admit the force of his precedent. I think Missouri entitled to admission, but in recognising her right upon precedent, I certainly must claim the benefit of my own, and ask the gentleman, with the same frankness, to do the like.

Having shown, Mr. Chairman, as I think I have, that Congress have the power to prohibit the migration of slaves to Missouri, and, from the practice of the Government, that conditions not inconsistent with the federal rights of the State may be tendered as the terms of admission, I will now proceed to examine that clause of the Constitution which says “new States may be admitted by the Congress into this Union.” From the very language of this provision, there would seem to be an implied existence of a discretion in Congress to admit or reject. In the justness of this construction, however, gentlemen generally concur on both sides. But it is contended by the gentleman from Kentucky, (Mr. HARDIN,) as well as a gentleman from Virginia, (Mr. SMYTH,) that Congress has no other power but simply to reject or admit; that “a State” is a definite term, as used in the Constitution, and implies in its definition a negation of the power of Congress to interfere further with it than to see that it is republican. To this argument, Mr. Chair-

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man, I think it would be a sufficient answer to say that, if Congress may reject, some reason ought to be assigned for such rejection, and if it is not a reason in conflict with the exercise of the federal rights of the State, that such reason might as well be suggested as a condition, as to hold back, and reserve its disclosure till the Constitution is presented. But, Mr. Chairman, I have said, while discussing another branch of this subject, that the discretionary power which this clause of the Constitution gives to Congress to admit or reject, was given with an eye to this very subject. That it was given for the purpose of allowing Congress to prohibit or admit the extension of slavery, as in its wisdom might seem most conducive to the general welfare. And, to establish this position, I will now ask the attention of the Committee to the history of this provision, while under the consideration of the Convention. In the draught of a constitution reported on the 6th of August, by the committee of five, after proposing that it should be necessary for two-thirds of the members present, of each branch of Congress, to consent to the admission of new States, they further report, that "if the admission be consented to, the new States shall be admitted on the same terms with the original States." On the 30th of August, when this part of the report of the committee was acted upon, it was moved to strike out that part of it which proposes their admission on "an equal footing with the original States;" and it was agreed to.

Previous to this time, I will again repeat, it was agreed that the slaves should be represented, and also that the States then existing should have the right of deciding whether they would tolerate the importation or migration of slaves previous to 1808, or not. To say that the new States, therefore, should be admitted on the same terms with the original States, was to give to them the power also of admitting or rejecting slavery; and as, in the exercise of that power, the new States might destroy the leading principle of this compromise, by giving the balance of power to the slaveholding States, and allow its unlimited expansion; and because it would, as I have before stated, virtually authorize the new States to be formed in the Northwest Territory to repeal the restriction imposed by the compact contained in the ordinance of 1787; it was stricken out, leaving Congress, therefore, to exercise the very discretion which is now proposed to be exercised in admitting Missouri.

This conclusion, Mr. Chairman, I think is fairly derivable from the premises which I think I have as fairly employed. Indeed, sir, I think it must be obvious to all who have adverted to the Journals of that Convention, that the intention was to settle the principles which should apply to the then existing States, permanently, and to leave the manner and time of admitting new States to be regulated by Congress, guarantying, however, to such new States the same federal rights which were secured to the old. The great object, Mr. Chairman, was to unite in one common federative government the then existing States, and to secure to those States the power of guarding their common interests. They had fought and they had bled in

the cause of freedom, and, in establishing a form of government for themselves and posterity, it could not be expected that they would leave a question, which presented greater difficulty in agreeing upon the principles of that government than all others, in such a situation as to put it in the power of the new members that might be introduced into the family, to unhinge and destroy those very principles. I mean the compromise of representation. That they would thus expose the very foundation upon which their Government rested to be torn up by future States, and that, too, with their sanction, I think can scarcely be believed.

But, sir, I would here beg leave to call the attention of the Committee to a proposition made in that Convention, and which was very near being adopted, as strongly indicative of the views and feelings of the framers of the Constitution, when reflecting upon this very subject. On the 14th of July, the following proposition was moved: "That, to secure the liberties of the States already confederated, the number of representatives in the first branch, from the States which shall hereafter be established, shall never exceed the representatives from such of the thirteen United States as shall accede to this Confederation." This proposition was made while both the subject of representation and the admission of new States was under consideration; and on the very next day after, the Convention had adopted a provision which had for its object the regulation of the representation in this branch of Congress, according to the population of the respective States; but, as Congress would have the power of admitting or rejecting new States, and the power of decreeing whether these States should decide on the admission of slavery, it was, therefore, unnecessary to restrict the representation of such States, as the wisdom of Congress might allow to participate in the blessings of the Union, to a less number than their population, upon a general and equal representation, might entitle them.

It was therefore rejected, but rejected by a bare majority of *one vote only*. My proposition, then, is, that the Convention did intentionally use these broad expressions, for the purpose of leaving Congress, thereafter, to exercise its discretion on this subject in admitting new States. Having trespassed thus long upon the attention of the Committee, Mr. Chairman, which it has so kindly shown to me through this dry, and, what would be on other occasions, uninteresting examination—an examination, however, which I trust, on this occasion, will throw some light upon the seemingly obscure intention of the framers of the Constitution—but, sir, if it shall fail to convince others that Congress has power to legislate constitutionally upon this subject, I trust it will at least afford an excuse for the opinion which I entertain, and remove those lurking suspicions, which have occasionally unfolded themselves, sometimes in doubtful, and at others, in more glowing and unfading colors, of the sincerity of those with whom I co-operate in supporting this amendment; having done this, Mr. Chairman, I will now proceed

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to examine the nature of the treaty by virtue of whose provisions Missouri claims an exemption from this restriction, and by virtue of which, gentlemen demand her admission into the Union as matter of right, and see if there is any thing in that treaty which impugns the power which Congress would have had in relation to this subject, if the third section of that treaty had not have been incorporated in that instrument. Sir, what are the provisions of this treaty? They are, first, "That the inhabitants of the ceded territory shall be incorporated into the union of the United States." And under this provision, I admit, that the faith of the Government stands pledged to admit them into the Union. But, it is further provided "that they shall be admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." The question then arises, what was the object of this latter provision? Was it to give them the right of framing a constitution and presenting themselves at your door for admittance, as soon as they pleased to apply? No, sir. If such were the intention, why pass a law now authorizing them to frame a constitution? No, sir, it was to secure to them in the first place the rights of citizenship, without going through the tedious and regular process of naturalization; and also to secure to them the protection of the United States' Government.

Sir, is it to be said that the relative rights of citizenship were not of sufficient importance to give rise to a provision securing those rights? I presume not, sir. Shall it be said that the right to be protected by the United States against savages and all other depredations, was too unimportant a consideration to give rise to such a provision? Surely not, sir. But they are to be incorporated into the Union; and how are they to be incorporated? Why, sir, according to the principles of the Federal Constitution, and according to those principles too, sir, which apply to the admission of new States; for, can it be believed, that if the framers of the Constitution ever cast their eyes across the Mississippi, with the most distant belief that that boundless region was ever to be carved out into American States, and form a part of that federal family to which they were then giving new birth; that they intended that the territory, a part of which (I mean the new State of Ohio) was hallowed by the blood of the Revolution, should be on a worse footing than the President and Senate might put the territory now under consideration; that it should be admitted, under any circumstances, without being subject to the power of Congress to exercise a sound discretion as to the terms of such admission; a discretion which I hope I have shown was intended to be guaranteed to Congress, when that provision was stricken out of the report of the committee of five, before referred to, the object of which was to admit new States into the Union "upon an equal footing with the original States?" Sir, I think it cannot be believed that the Convention intended to subject the principles of the compromise, which so much agitated that body, and

which formed the basis of the Union, to be thus disturbed—nay, destroyed, and arm Congress with no redeeming power to prevent it.

This treaty, therefore, if it were possible for any treaty to do so, has not attempted, according to its fair construction, to infringe that power, in its fullest extent, which Congress has to regulate the terms of the admission of new States.

But, say gentlemen, this is a federal right; the right to hold slaves is guaranteed by the Federal Constitution, and therefore is a federal right, with which Congress cannot interfere. The right to hold slaves guaranteed by the Federal Constitution! No, sir; it was a right which existed before, and the Federal Constitution has only provided against the invasion of that right in such of the then existing States as chose to recognise it as a right. This was necessary to be done, because they were then recognised as property, and without the consent of the States they could not be made to assume a higher station. The right to hold slaves, therefore, is not created by the Constitution. Nor is it a federal right; it is a State right; or, in other words, a State wrong, with which, by its consent, it may part, by compact with the General Government, without committing any violence upon its federal rights. Nay, it is a right of which it could be deprived in future by passing a non-migration law by Congress. The provision then in the Constitution, Mr. Chairman, which provides for the reclamation of fugitive slaves when they go into non-slaveholding States, is only a necessary regulation which grew out of the previous existence of slavery in the Union, and does not therefore create the right to hold slaves. And by this course of reasoning, Mr. Chairman, I think I fully answer so much of the argument of the gentleman from Kentucky (Mr. HARDIN) as has been employed in opposition to this restriction, as is drawn from the technical meaning of the word *State*. But, sir, let us test, by further illustration, the soundness of that argument. The gentleman says, State and nation are synonymous terms, and that a State, in the interpretation to which it is entitled, under the Constitution, is as sovereign as a nation, except so far as that sovereignty is abridged by an actual and express transfer of a part of its sovereignty to the United States, in their federal character; and because there is no express surrender of this power, (though I believe he called it a right,) to decide whether they will have slavery or not, that therefore it is a sovereign right, which cannot be surrendered. Sir, allow this interpretation of the word *State*, and what does it lead to? Is there any express provision, in so many words, authorizing Congress to retain or hold the right of soil in any State, unless by compact? No, sir. Is it not then a trait of sovereignty to take possession of the vacant lands within that nation? Surely it is. If then there is no express provision authorizing Congress to retain the property in such soil, according to the argument of the gentleman, it is a federal right, belongs to the State, and cannot be surrendered. Are the Committee prepared to recognise this doctrine? No. I presume that even the gentleman himself is not.

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But the same gentleman tells us, that even if we have the power, which by this time I trust I have shown, at least to the satisfaction of some, that it is impolitic to exercise it; that public sentiment is aroused, and so much divided, that even the Cabinet is believed to be divided on this great and interesting question, and that therefore it is too delicate a measure to be pushed. What! the Cabinet divided! How does the gentleman ascertain this fact? And, even if it were the fact, what influence should it have upon the question? I could answer for one, but will leave others to answer for themselves. But, sir, I will again remark, on the subject of power, that, as Congress has acquired this territory without express authority to do so, I should for one say we have at least as good authority to say that it shall not come into the Union, as States, unless it is upon those principles which will subserve the general welfare; for it must have been with a view of promoting the general welfare that it was purchased, and that view should, at no change of its condition, be lost sight of.

Mr. Chairman, I am told that this is a Northern trick—a Northern scheme to get into power. For one, I can answer, that I am governed alone by a desire to promote the welfare of my country, and to discharge, with the best of my abilities, the high trust which has been confided to such feeble hands. And, while I make this declaration for myself, I derive consolation from the conviction that I am associated with men governed by motives no less exceptionable. Sir, I believe this measure has originated in the best and noblest of motives; motives dictated by humanity and the ultimate happiness of this nation. But, even if I believed it originated in corruption, I would support it. I would support it, because I believe it has for its object the attainment of an end of the last importance to the nation. I would support it, therefore, as an evil out of which good might come. Mr. Jefferson was charged with supporting the Revolution to cancel his British debts. I, however, do not believe it: yet, if it were true, from evil motives he was supporting a glorious cause. I would support this measure, sir, but would, with equal zeal, oppose the same gentlemen in their attempts to make an improper use of the decision of the question in their favor. But I again repeat that I have every confidence in the integrity and exaltedness of the motives which dictated this measure, and also of the motives which unite gentlemen in its support.

We are further told, Mr. Chairman, that it is a Northern trick, intended to injure the prosperity of the Western country. What, sir, a trick to injure the Western country! Let Ohio, Indiana, and Illinois, answer the question. No, sir, it is a measure which opens new inducements to their own citizens to migrate to that country, and thereby weaken themselves. It is a measure which is to give to the West a vigorous, industrious, and wealthy population. It is a measure pregnant with the ultimate grandeur of that country. But I am here brought to a still more important view of this subject; a view, sir, which has much

weight upon my mind; one which I, as a Representative of the West, feel bound to obey; I mean its effect upon the Union in a political point of view. Sir, from a similarity of interests, of institutions, and of feelings, the North and the West, at least so far as slavery is regretted, will feel disinclined to dismemberment. A reciprocity of all those inducements which operate to cement communities will keep them together. The South and the West will also have a no less binding community of interests to hold them together. The Western non-slaveholding States, therefore, will stand, in relation to the North and the South, not only as neutrals, but as their common allies. Sir, those States, from their local situation, will have a deciding influence in every attempt at dismemberment; and a section of our country thus happily situated should be placed upon that footing which will give it most influence and most strength in harmonizing the jarring and conflicting interests and feelings which time may unhappily develop between the other sections of our empire.

Mr. Chairman, I am sorry to have to advocate any measure which is calculated, as I conceive this is, to give perpetuity to our Union, and, at the same time, to be compelled to avow the necessity of assigning that as a reason upon this floor. The sound of disunion, a term so horrible in itself, if possible, should never be uttered within these walls. Yet it has been uttered so often in this debate, and has become so familiar, that it is high time to begin to adopt measures to prevent it, and also to express our solemn disapprobation of any measure or any proceedings in the least degree calculated to produce it. Sir, when I hear gentlemen, in the heat of argument, as was the case with two honorable gentlemen from Virginia, (Messrs. SMYTH and RANDOLPH,) speaking to their constituents, and to the South generally, calling upon them "to make common cause," to stand united in resisting, even with "those arguments about which the law is silent," this asserted usurpation of authority—an appeal which is calculated to excite the angry passions of the community—I must confess, sir, that I am aroused, and thrown from that calmness which, I think, should characterize this discussion. If such declarations are employed as mere rhetorical flourishes to embellish their speeches, or intended only to intimidate the members of this Committee, for one, sir, I can answer, that they will have no such effect upon me. But, sir, they are declarations which will find their way to the public eye, the public ear, and, what is still worse, to the public feelings. They will not, as the honorable gentleman from Georgia (Mr. REID) has told us, die within these walls. Would to heaven they could! But, like all other bad tidings, they will spread throughout this land, and consequences which gentlemen do not expect, and which I am sure they cannot wish, may yet disturb the repose of this nation. I hope gentlemen will remember that it is much easier to excite rebellion and insurrection than it is to suppress it. The ball of revolution and civil war, Mr. Chairman, when once put in motion, has set

dom been arrested by the same hands which gave it impetus. No, sir, on the contrary, those who put it in motion are too often the first who fall beneath its ruins. France affords gentlemen melancholy evidence of this truth: let the spirits of Mirabeau, Robespierre, Danton, Barras, and even Napoleon in person, give it verity. Let it once be put in motion in this country, which will necessarily be the result of great public excitement, and, like an irresistible torrent, it will roll across this mighty empire, destroying alike its promoters and opposers.

Alas! I sicken at the doleful picture which my imagination has already drawn on this subject! Is it, indeed, the intention of gentlemen to arouse our brethren of the South to rebellion—to a resort to arms to resist this exercise of power by the representatives of the people? Is it, indeed, for the purpose of bursting those bonds asunder, by which we are united, that they thus appeal to the angry passions of their countrymen? Are these the objects of the gentlemen from Virginia? And for what is this Union to be thus sacrificed? In defence of the dominion of slavery? What! Virginia go to war in defence of slavery! Virginia, the hot-bed of genius; the fountain of the Revolution—of our independence; the nursery of patriotism; the birthplace of our WASHINGTON—the Father of his Country! Virginia go to war in defence of slavery! No, sir, it cannot; it will not be. The sober feelings of this nation, and of Virginia in particular, however they may be excited for the moment, will redeem us, I trust, at all times, from such awful calamities. This mighty Empire—this strong man armed—is not thus to be shorn of all his greatness. But, sir, it is not the first time that attempts have been made to disturb the tranquillity of that patriotic State, by her unhallowed malcontents—by appeals to the angry passions of her citizens. No, sir. I find record evidence of the existence of a similar spirit as far back as the time of WASHINGTON, and the celebrated treaty of Mr. Jay. It is this, sir:

“RICHMOND, July 31.

“Notice is hereby given, that, in case the treaty entered into by that damned arch traitor, John Jay, with the British tyrant, should be ratified, a petition will be presented to the next General Assembly of Virginia, at their next session, praying that the said State may recede from the Union, and be left under the government and protection of one hundred thousand free and independent Virginians.”

This notice concludes by requesting the printers of the *present Union*, as they then called it, to give it publicity, for the purpose of creating a new Union—[Here Mr. BARBOUR called for the title of the book, from which Mr. C. read this notice, and was answered by Mr. C. that it was called the “Memoirs of Jefferson,” which perhaps were libellous; he could not say]—yet, Mr. Chairman, this intemperance had but little effect. Gentlemen may therefore indulge in rhetorical flourishes, and in drawing the hideous pictures of disordered imaginations, without endangering the Union. Sir, it is in the patriotism, the intelligence, and the sober judgment, of the people, that the anchor of

our safety consists; and in these virtues, I trust the patriots of Virginia will not be deficient.

I regret, Mr. Chairman, that the remarks of gentlemen have thus drawn from me what perhaps had better never been said, and what (I am sorry to remark) I have felt myself called upon to say, in the discharge of my duty; and, having done so, I will now proceed to the examination of the expediency of this restriction as an object of national concern.

Mr. Chairman, we have attempted to plant in the American soil the principles of free and republican government; we have attempted to set an example to the world of the capacity of man to govern himself, and of securing to all the enjoyment of equal rights. But, alas! the brilliancy of this example abroad is too much darkened by the gloom which slavery spreads over it, and while we continue to spread that gloom, the happy influence of republican government will continue to be weakened, till ultimately, like the sun, whose rays are obstructed by an impenetrable cloud, its influence will be entirely lost. It is due, then, to the dignity of this Government to show the world that slavery only exists in the bosom of our Republic from uncontrollable necessity—a necessity forced upon us by our parent country. But, when we give to it new root, and spread it beyond its ancient borders, are our practices consistent with our professions? Do we then show that it exists only from necessity; or do we not show that it exists, at least in a part of our empire, from choice? Sir, it is due to the character of our Government for consistency.

Since the year 1808, every exertion has been made to abolish the slave trade. Gentlemen from all sections of the Union, and at all times, have united most heartily in the humane undertaking. And for what purpose? Sir, it was to prevent an accumulation of that evil which so sorely afflicted our land, and to encourage which, heaped so much disgrace on all who were engaged in it. But this was not the only reason. The cries of humanity, and the soft whispers of religion, also demanded the measure. And if these motives have operated so long and so universally in the councils of this country, shall not the same motives now arrest the progress of this evil in its attempt to plant itself in that boundless region west of the Mississippi? Not only does consistency, but the vital interests of this Government demand it. To extend and more firmly rivet the chains of slavery, is but to hasten the epoch which I shudder to mention.

Sir, in the very nature of man is interwoven a love of freedom; it is a passion of the most ardent and indestructible character. It is a passion which, while bound in chains, lies like the hidden spark, ready to be fanned into a flame by the first breeze of hope. They are a race of beings like so many vipers in the bowels of the community. Is it not, then, our duty to use our best efforts to preserve our posterity, if it be not necessary to preserve ourselves, from a slow but certain fate which an unchanged state of things must inevitably produce. The gentleman from Virginia (Mr. SMYTH) has

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read to us an account of many of the civil wars, with all their attendant horrors, which have resulted from the existence of two different classes of people in the same Government. And, while the gentleman has given us a sight of these blood-stained pictures of human misery, for the purpose of proving the position that two distinct classes of society cannot safely exist in the same country, and thereby to prove the necessity of diffusing this class of society so as to keep them in harmless numbers, and also to rivet their chains so tight that they will be unable to act in concert, they afford to my mind a warning argument of the necessity of their emancipation and colonization, before another picture shall be added to that gloomy collection, with which the Committee have been presented by that honorable gentleman. For, sir, I repeat it, that, if the warning voice of experience tell us that it has been the fate of all countries where two distinct and heterogeneous orders of society have existed, sooner or later to wade through wars and bloodshed, that even America, the seeming favorite of Heaven, unless timely measures are adopted to avoid it, will not share a better fate. It is with me, therefore, a leading consideration to limit the sphere of this dangerous population, with an eye to its ultimate eradication from the bosom of our country. And, sir, I rejoice that a proposition has this morning been laid upon your table, by a member from New York, (Mr. Maigs,) proposing an inquiry into the practicability of effecting that object. For one, I am prepared to devote every inch of the public soil west of the Mississippi, if so much shall be necessary, to the redemption of our country from this fatal, this deplorable evil.

But, sir, even if this evil cannot be eradicated I am unwilling to extend it. Notwithstanding our brethren of the South deny that slavery has a pernicious influence upon the morals of society now, the experience of all past ages prove that when they shall be sufficiently numerous to pervade every ramification of society that such will be the effect. That it should be otherwise, when, from their number and the cheapness of their labor, the free citizens of the country either need not, or cannot, for the want of sufficient compensation, be employed, than that idleness and luxury should here produce the same effects they have always produced in other countries, cannot be believed. In Athens, idleness and luxury were considered the parent of crimes, the disturbers of society. So dangerous were they considered, that Solon, their great lawgiver, required every individual to pursue some trade or profession. Nay, so essential was it considered to the permanency of the government, and happiness of the people, that even Pisistratus, who had sufficient address to usurp that Government, required the observance of that law after he came into power. But alas! that Government, which once so justly boasted of its statesmen, its orators, and its philosophers, under the baleful influence of that idleness and luxury which succeeded the abrogation of those salutary laws, became an easy prey to foreign cupidity, and is now living, or was, not long since, under the

government of a black eunuch, elected from the Turkish seraglio. Human nature is alike, and is only noble or abased as circumstances decree.

But, sir, the day will come when we must get rid of this evil, or the evil will rid itself of us. And there are but three ways in which to do it: by emancipation and colonization, by amalgamation, or by extirpation. In one of these ways, if ever, Mr. Chairman, we must get rid of this evil, and to hope for it in either of the last mentioned ways, is so revolting to our feelings, and so uncongenial with our nature, that no member of this Committee, I trust, will look to either of them as the proper expedient. It is, then, by emancipation that we ought to hope to remove this pestilence, this foul blot from our country. And will it be seriously contended, that the more they are spread throughout this land the easier that object will be attained? No, sir; the love of ease and pleasure are the scions which shoot from the root of slavery. The more they are extended, therefore, the more will this canker spread, so fatal to liberty, and the more difficult will it be to effect their manumission. For, can it be doubted that this work is to be done by the combined influence of public sentiment and legislative exertion, and by that only? And if so, in proportion as you expose that sentiment to the extended influence of the temptation to ease and pleasure, in that proportion you diminish the prospect of success. The policy, therefore, of emancipation and extension are hostile to each other—are inconsistent.

This, Mr. Chairman, is a fortunate period at which to embark in this cause. The world is at peace, with the exception of Spain, and are almost equally united in abolishing the slave trade. If we therefore cast our eyes across the ocean to Africa, the land of their fathers, we may hope to be able to procure a resting place for them, where they may enjoy peace and quiet, as well as ourselves. The public sentiment of mankind is in their favor; and from the evidences which have been given, I should hope the sentiments of this nation are in their favor.

For what purpose are your extensive Colonization and Bible Societies organized? Are they simply to ape the English? No, sir, they are the offspring of sound policy, humanity, and religion. Sir, I have an honorable gentleman now in my eye, (Mr. MERCER,) whose zeal in the cause of humanity in promoting the views of the Colonization Society does honor to his heart and his character; yet I fear, on the subject under consideration, his views and opinions are at war with those great and benevolent exertions for which he is so justly distinguished. But, while the fact that the world is at peace tells us it is a favorable period to embark with harmony and good fellowship in this work, it tells us still more; it tells us that, if in this attempt to eradicate this evil, we cherish domestic dissensions among ourselves; if we foster party feuds and geographical distinctions, that a portion at least of that peaceful world may feel disposed to embark in our difficulties, and ultimately destroy the fair temple of our independence. Sir, there was a time, I mean the time of the West-

ern insurrection and of French intrigue in this country, that our liberties and Constitution stood on tottering ground. It was at that time, sir, that foreign interference had almost proved our destruction. They were times perilous, indeed. And it was then that France, by her Minister—more properly, indeed, her emissary—fanned that flame which was rapidly melting the cement of our Union—it was then that foreign influence and interference gave us a warning lesson against feuds of a similar character. But, Mr. Chairman, we then had a Washington, a Washington whose fame had filled the earth, to direct our ship of State. It was then that one glance from his all-penetrating eye drove dismay to the traitor's heart. Through the political storms of that day he safely steered us; and, thank Heaven, left us safe in our moorings. But, shall such times revisit our land? We have no Washington to guide us; we must contend with the storm as we can.

I would here, then, call upon gentlemen to pause, and consider whether this subject should not be discussed, with that calmness and friendly feeling which should characterize a great nation, legislating upon a great subject.

But we are told, Mr. Chairman, that this is a great question, and one which should be compromised by admitting Missouri with the right to settle this question for herself, and to prohibit the extension of slavery in the remainder of that country. This, indeed, is a course which many gentlemen seem to desire. But, are we to understand gentlemen as conceding the point, that Congress has the power to make that restriction or territorial prohibition perpetual and binding on the States hereafter? [Here Mr. LOWMEES smiled and shook his head.] An honorable gentleman shakes his head, who has favored this proposition, and I am thereby left to understand that such is not the nature of the proposition. Then, away with your compromise. Let Missouri in, and the predominance of slave influence is settled, and the whole country will be overrun with it. Indeed, I am opposed to any compromise on the subject. I consider it my duty to aid in arresting the evil, and a duty of so high a nature as to amount to a Constitutional duty, embraced within the oath which I have taken to support that instrument.

It is enjoined upon the Union to protect each State, when called upon, against invasion and domestic violence. The existence of slavery is calculated to produce both of these evils. It will not be forgotten that England, the bulwark of our religion, has already arrayed the savages against us, a manner of making war, no less vile and abhorrent to the feelings of civilized humanity, than would be the arming of our slaves. The existence, therefore, of slavery in a State, is calculated to invite invasion, and no one will deny that it exposes the State to domestic violence. If it be the duty, then, of the Union, to expend the funds, and, what is more sacred, the blood of our countrymen, to repel invasion and to suppress domestic violence, is it not a good consideration on the ground of expediency to prevent, if possible, the existence of those causes which may thus disturb

the safety of the State and the tranquillity of the Union? It is a reason that has much weight on my mind, however lightly it may be viewed by others. There is, Mr. Chairman, an argument which had escaped me, that has been argued against the justice of this restriction; it is this, "that the country was purchased with the joint funds of the nation, and therefore should be left open to all." The short answer to this would be, that the non-admission of slaves prevents no free man, whose money has been contributed to the purchase of the country, from going there. But, sir, since there is a conflict on the subject of slavery, a subject which has much divided the nation, is it more reasonable that the sixty thousand who have gone there, should settle this great question, than the ten millions by their representatives, who compose this nation, and who have all an equal interest in it? I should think, sir, that if it were a matter of feeling only, involving no great political principle, that it would look more reasonable that the nation should decide it, rather than so small a portion of it, as sixty thousand. Several millions of people may yet inhabit Missouri, and the sixty thousand, therefore, should not be entitled to the right of deciding a question of so much magnitude, and which is so interesting to our common country. Freemen will not be unwilling to live with freemen. If slavery be prohibited, therefore, the freemen of all sections can and will go there, but thousands, nay, millions, of our freemen are, and always will be, unwilling to mingle with slaves. By the nation, and not the handful now in Missouri, therefore, should this question be settled, provided it has the right to do so.

Mr. Chairman, in the time of our Revolution we appealed to Providence to aid us, because our cause was just; and, I must here be permitted to say, that I am superstitious, if it be superstition to believe that our conduct as a nation is passing hourly in review before Him who sits aloft, and that we shall decline or prosper as that conduct is acceptable. May we not, then, Mr. Chairman, make this great and crying evil a great and glorious good to our country? May we not, by directing our energies to the amelioration of their condition, and their ultimate emancipation, render ourselves acceptable, in our political character, to him whose favor is most desirable.

Before I sit down, Mr. Chairman, for I fear I have wearied the patience of the Committee, I will take leave to remark that I am from the South, that I am a native of Virginia.* That my ancestors (as far back as I can certainly trace them, and that is not very far, for I am of no noble birth) are from Virginia; my relations and friends are all in the South; and, sir, I have brothers and sisters in Missouri, and if affection for them, and a desire to gratify any one, could be sufficient to induce a relinquishment of my fixed

* Mr. Cook, since making his remarks, upon examination finds that he was born a few months after Kentucky was detached from Virginia, and in Kentucky, which, until since he spoke, he thought at that time was a part of Virginia.

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sentiments, my feelings toward them would have that effect. In their household they have slaves, and, like frail men in general, who are in possession of a convenience, they wish to hold to them. But duty must triumph over feeling, when they come in contact.

Mr. Chairman, I know many of the people of Missouri; I know she has many men of worth and talents, and I believe they ought to have a State government. But notwithstanding all the predilection I have in favor of Missouri, from the residence there of friends, relations, and acquaintances, I cannot consent to her admission unless her adoption of the principle of this restriction is certainly guaranteed.

And while I have no doubt that I am opposing the popular feelings of Missouri at this moment—that if the voice of futurity could be heard, I should receive its approbation, nay, I believe its gratitude—I believe I am advocating her substantial interests, and of which she will ultimately be satisfied; and I am sure I am advocating the best interests of this nation. Missouri, therefore, may come, as the gentleman from Massachusetts (Mr. HOLMES) has so pathetically described, from the wilderness, with her locks wet with the dews of the night, and knock, and knock, and knock, at your door for admittance, till she falls with weakness, and unless she comes in the white robes of freedom, and a pledge against the future evils of slavery, with my consent she shall not be admitted. No, sir, she may take up her march and return to the land from whence she came; and the gentleman from Massachusetts may escort her, and aid in forming his favorite connexion between her and Mexico; that they may set up for themselves, when he will have a fit theatre upon which to display his abilities and gratify his ambition.

A word more to that gentleman, and I have done. During the war I saw his exertions, and I loved him. He was aiding my country with patriotism and ability. She needed such aid, and as I loved that country, I also loved him. But, I fear, he is presuming upon the character he then acquired; is taking liberties with others not to be sanctioned. Yet, sir, I will not say to him, as the poet said to his once loved mistress, that

“When I lov’d you, I can’t but allow

I had many an exquisite minute,

But the contempt that I feel for you now

Hath far more luxury in it.”

No, sir, it might seem too severe. But I will take leave to refresh his memory in relation to some good advice, flowing from a high and venerated source: “Judge not lest ye be judged, for with what judgment ye judge others shall ye be also judged. Point not at the mote in the eyes of others, while there is a beam in thy own; it is the province of hypocrites so to do.”

Mr. Chairman, I have done.

SATURDAY, February 5.

Mr. MEIGS submitted the following preamble and resolution:

Whereas slavery in the United States is an evil of

great and increasing magnitude; one which merits the greatest efforts of this nation to remedy: Therefore,

Resolved, That a committee be appointed to inquire into the expediency of devoting the public lands as a fund for the purpose of,

1st. Employing a naval force competent to the annihilation of the slave trade;

2dly. The emancipation of slaves in the United States; and,

3dly. Colonizing them in such way as shall be conducive to their comfort and happiness, in Africa, their mother country.

The said preamble and resolution were read; and, on motion of Mr. WALKER, of North Carolina, laid on the table.

The SPEAKER laid before the House the annual report of the Commissioners of the Sinking Fund; which was ordered to lie on the table.

THE MISSOURI BILL.

The House then again resolved itself into a Committee of the Whole (Mr. BALDWIN in the chair) on this bill.

Mr. COOK resumed the speech which he commenced yesterday, in support of the restriction, and, in continuation, occupied the floor about two hours. His speech in full is given in preceding pages.

Mr. HEMPHILL, of Pennsylvania, addressed the Chair as follows: I have a wish, Mr. Chairman, to express my sentiments on the subject before the honorable Committee. I approach it with great diffidence, as I have not been in the habit of public speaking for many years. I confess that the magnitude of the question impresses me with fear that I may become embarrassed in the discussion.

I have taken all the pains in my power, consistently with the state of my health, to gain information, and have listened with attention to the speeches in this House, and to many of those in the Senate; and I may unintentionally confound what I have heard in the two places, for I have taken no notes of any thing that has fallen from any gentleman.

Mr. Chairman, the present amendment does not interfere with the slaves now held by the inhabitants of Missouri; but, by its operation their offspring will be free. The cause in which we are embarked is just, as its object is to afford to the descendants of an unhappy race those enjoyments that heaven intended to give them. But we are met on the threshold of the discussion, and told that Congress has no right to legislate on the subject; it is said that the power is too large; it has been compared to an ocean, and that Congress ought not to be intrusted with it, the danger of its being abused is so great. It is contended that, if Congress possess this power, they might descend to the minutest acts of legislation, and introduce new States into the Union as mere dwarfs, stript of all the grandeur of sovereignty.

I acknowledge that it is difficult to answer these general observations, this reasoning against the existence of power from the possibility of its abuse. There is but one way that I know of to give any thing like an answer, and that is, by saying, in the same general terms, that this power is a near rela-

tion to all other powers, and that powers of every description are liable to be abused.

Congress possesses a string of powers, all of which might be abused. Among others it possesses the power to levy and collect taxes, to borrow money on the credit of the United States, and to declare war. The powers to collect taxes and to declare war give to Congress a command over the purse and the sword of the nation. These powers, if wickedly exercised, might not only jeopardize, but might put an end to the existence of the Government. To make a comparison of the privilege of merely changing the relations of a Territory into a State, upon certain stipulations, with the powers just mentioned, would be, truly, like comparing a star to the sun.

The President and Senate also possess important powers, which, physically speaking, might easily be abused; instead of appointing men of virtue to office, they might fill them with the vilest malefactors of the nation. But is there any danger of all this?

Congress being, then, expressly intrusted with such vast powers, is it not a very feeble argument to urge the possible abuse of power against its existence in a minor case, even if it were a doubtful one?

I have gone far enough for my purpose, as I wish to be brief on each head of my argument.

Is there, then, any cause of alarm in regard to the power in question? How can there be, as nothing can be done without the assent of those who are applying to compose a State? It is not an act of ordinary legislation, but a mere act of compact and agreement—and can it for a moment be supposed that Congress will ever insist on any terms, except such as may affect the republican character of the Government, or some other important interest of the nation; and, on such occasions, why shall the people be deprived of the right to pass their judgment through their immediate representatives?

As to another remark, that an act of Congress will be irrevocable, and without responsibility, the position is incorrect; the inhabitants are under no obligation to accept the terms proposed by Congress; they may appeal to the people, who, if displeased with their representatives, can change them; and, even if the terms are accepted, they can be altered by the consent of both parties.

After these observations, I think I am at liberty to confine myself to the particular amendment before the Committee.

But, it has been said, that even this condition in restraint of slavery, would manacle a limb of the sovereignty of the proposed State of Missouri, and bring her into the Union as an object of scorn, altogether unworthy of the association of her sister States. This picture is most unnaturally drawn; it ought rather to have represented her as the goddess of liberty, a being incapable, from the composition of her nature of doing wrong, in this respect, and yet, deprived of no political strength; if any of her sister States should disdain to associate with her, the general spirit of the age would condemn such lofty pretensions.

✓ Our ancestors treated this subject in the true light in which liberty and slavery ought always to be considered; but, is the spirit that warmed their breasts to pass for nothing? Is the ordinance of 1787 to be reproached as a mere usurpation, and nothing more? Let us at least condescend to inquire into these first principles, and afterwards we can perceive whether they apply to this particular case or not.

I now, Mr. Chairman, beg leave to call the attention of the Committee to the peculiar kind of sovereignty that is to be withheld from the proposed State of Missouri. It is pretended that she will be deprived of the right of holding man in bondage. But how can this be deemed a right? It is nothing more than a tyrannical abuse of sovereignty; all the laws on earth cannot make a right of it. When a people are overcome and enslaved for want of ability to resist, they do not lose their rights, the laws of the oppressing country take from them their remedy—they are not held as slaves, because they have no rights, but they are held by force, and because there is no remedy in their power.

I may be told that it is an attribute of sovereignty to judge for itself as to what is right and what is wrong. This is true in the abstract; still sovereignty has its limits. In Vattel, I read "that all nations have a right to repel by force what openly violates the laws of society which nature has established among them, or that directly attacks the welfare and safety of that society."

And, sir, may I not ask what can more directly attack the welfare of society than to hold a race of people in bondage?

If the State of New York, or any other State, should enslave the small tribes of Indians within their limits, would the other parts of the Union acquiesce? Would it not rather be considered as offending against divine and human justice, than as the exercise of any right of sovereignty? It is a right that does not belong to the constituents, and of course cannot be deputed to the Supreme head.

I do not make these remarks as applicable to the present condition of slaveholding States. After what has passed, Congress cannot interfere with their slaves without their own consent; and I am willing to go further, and to say that, independently of the Constitution, the slaveholding States have acquired, if I may be allowed the expression, a certain kind of rights which have grown up out of original wrongs; they have the right now of self-preservation, and of domestic tranquillity and peace, as a sudden and general emancipation, or even a material laxity of their laws, might lead to dangerous and bloody consequences, and in these rights they must be protected by the arm of the General Government, if any occasion should require it, until some plan can be fallen upon for the gradual abolition of slavery.

But we find the inhabitants of Missouri under very different circumstances. With them no such danger exists; the children of their slaves, hereafter born, can be made free with as much facility as those that were similarly circumstanced in

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Pennsylvania. When the inhabitants of Missouri, then, apply to be admitted as a State in the Union, is it not our duty, and do not the sacred laws of nature call upon us to look back to these first principles? As to the sovereignty, of which she would be deprived, if we allow to the opposite side the largest scope, it would be only that of saying for herself whether or no she would do a wrong of a political cast that would reflect dishonor on the nation; for it must dishonor any nation to spread slavery, unless there is an absolute necessity for it. In such a case, shall we be over nice and scrupulous, and fear to act, unless we find the power in the Constitution in so many words—is it not sufficient, if it is found by a fair and reasonable construction?

The questions before the Committee, as I divide them, are two: does Congress possess the power of admitting the inhabitants of Missouri to compose a State, and, at the same time, annexing a condition in restraint of slavery?

If the power belongs to Congress, is it good policy, under all the circumstances, to exercise it? With regard to the Territories, the language of the Constitution is explicit, and no question can exist. But it is said that, when a new State is to be admitted into the Union, there is a restraint imposed on Congress, and that, in such a case, it can only act by way of negation or affirmation. Had Congress been destined to such narrow limits, some peculiar phraseology would have been used by the Convention, corresponding with such a simple negative or affirmative authority; and the Constitution would not have contained the general expression, that the new States may be admitted by the Congress into the Union. Let us for a moment ascend to the fountain of this power—it must have belonged originally to the people of the States, and wherever it existed it was comprehensive and plenary—under the old Confederation, the people or the States could have admitted a new State to participate with them on any terms or conditions they pleased, it would have been a matter of discretion on both sides, a mere compact, and, in the formation of the new Constitution, the members of the Convention were authorized to say how much of this full and original power should vest in Congress, and, by the general grant, the whole passed, unless it is restricted in some other part of the same instrument. Is there any division of this original power, unless it is to be found in the way I have mentioned?

I will now, sir, endeavor to make a more accurate examination of the Constitutional question, and, to accomplish this, it will be essential to take a retrospective view of some public proceedings which took place about the period of its adoption. It is of importance to be acquainted with the lights furnished to the Convention on this interesting subject.

The first public act I shall refer to, is the resolve of Congress of the 10th of October, 1780.

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th of September last, shall be disposed of for the common benefit of the United States,

and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States; that each State which shall be so formed, shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expense which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States shall be reimbursed; that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

The State of New York made its cession on the 1st of March, 1781.

In 1783 the Legislature of Virginia passed an act authorizing the cession of the right of that State to the territory, with certain reservations, and with this condition:

"That the territory so ceded shall be laid out and formed into States containing a suitable extent of territory, not less than a hundred, nor more than one hundred and fifty miles square; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States."

There was an ordinance in 1784, for the government of the territory, but it was annulled by the ordinance of 1787, and is not material. The cession of Massachusetts was made on the 19th of April, 1785, and that of Connecticut on the 14th of September, 1786; in these there is nothing material; but I have thought it proper to mention them in the order of their dates.

The next public act, in order of time, is a resolve of Congress of the 7th of July, 1786.

Resolved, That it be, and hereby is, recommended to the Legislature of Virginia, to take into consideration their act of cession, and revise the same, so far as to empower the United States, in Congress assembled, to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican States, not more than five, nor less than three, as the situation of that country and future circumstances may require; which States shall hereafter become members of the Federal Union, and have the same right of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th October, 1780."

The ordinance for the government of the territory of the United States northwest of the river Ohio, is the next act on the subject, and is dated 13th of July, 1787.

I may be permitted to call the attention of the Committee, particularly, to the introductory part to the six articles, and to the fifth and sixth articles of the ordinance. The introductory part, to which I allude, is in the following words:

"And for extending the fundamental principles of civil and religious liberty, which form the basis where-

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on these republics, their laws, and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which for ever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest: It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent."

✓ The 6th article is the one which relates to slavery. It declares that—

"There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall be duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

The first part of the fifth article relates to the division of the territory into States according to the recommendation of Congress to the Legislature of Virginia, and then concludes in the following language:

"And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, That the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be, consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000."

The language of the ordinance is, that the States shall be admitted on an equal footing with the original States in all respects whatever: but, the ordinance has affixed its own meaning to these strong and comprehensive words, and in the same sentence has annexed a proviso that the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles: and can there be a more important principle than the one which relates to slavery? It embraced the whole of one article. Can the meaning or language be more plain? And ought it not to be the standard of interpretation on future occasions? The Old Congress looked upon these articles as composing an immutable foundation on which every future political edifice was to be erected. It appears that it did not occur to them that the true rights of sovereignty were infringed by these humane provisions. And to this solemn act, to this clear and explicit understanding on the subject, the Legisla-

ture of Virginia afterwards gave its free consent, on the 30th December, 1788. Again, then, we have the opinion of another body, that a restriction, as to slavery, does not impair republican sovereignty; and how is it possible that it should?

At this stage of my remarks, I beg leave to call the attention of the Committee to the period in which the Convention sat.

The ordinance is dated the 13th July, 1787. The Convention convened at Philadelphia on the 4th May, 1787, and reported a constitution to Congress, then sitting in New York, on the 17th September, 1787. Thus, it appears that both bodies were in session at the same time. Of course, the Convention was well acquainted with the ordinance, and it is most probable that it was agreed to at that particular period so interesting to our country, as a measure of conciliation, with the expectation that it would produce its merited influence in the formation of the Constitution.

Possessed of this knowledge, and actuated by the feelings of that period, what did the Convention mean by the word States? Its language is "that new States may be admitted by the Congress into the Union."

The grant of power is general, and it was known at the same instant that new States were to be admitted into the Union, upon the very condition embraced in the amendment.

✓ So far, then, as respects a restriction against slavery, it amounts to matter of fact, that the Convention did intend that new States might be admitted into the Union on that condition. Again, the Legislature of Virginia, after the existence of the Constitution, entertained the same opinion; as, on the 30th December, 1788, they adopted the 5th article of the ordinance *verbatim*, and by it States were to be admitted into the Union with this restriction, and of course it was the opinion of the Legislature of Virginia that these States could be admitted into the Union, under the general clause in the Constitution.

—But it is urged that the word State contains something in itself in opposition to our construction; that it means an exact entireness, and that State is the same as a nation. As to this, a State in our Union is not the same as a nation, for part of its sovereignty is given to the General Government; and as to the idea of entireness, it is refuted, not only by the explanation I have given, but by another part of the Constitution. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but, on the admission of a new State into the Union, at an early period, the migration or importation could have been prohibited to it prior to the year 1808; so that it would not have been on an exact footing with the other States.

The members of the Convention seem to have studied brevity in their expressions; they did not discriminate as to terms or conditions, precedent or subsequent; the general grant included the modes and manner. The journals of the Convention also throw light upon this view of the question; the clause did originally contain restrictive

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words: it at first declared, that "the Legislature shall have power to admit new States into the Union, on the same terms with the original States, provided two-thirds of the number present in both Houses agree;" but, the words "on the same terms with the original States" afterwards disappear, and the latter part of the clause is also changed, so as to make it a mere subject of legislation.

It has been contended, and I think it was by the gentleman from Virginia, (Mr. SMYTH,) that two certain clauses in the Constitution aided their construction; the one that allows slaves to be represented, and the other that directs that persons escaping from labor shall be delivered up. But this explanation of the Constitution is a begging of the main question, which is, Can a State be admitted into the Union on condition or terms? If so, it may be admitted on the condition that there shall be no slavery; and, in such an event, there will be none to be represented, or to escape from labor. Missouri, in her character of State, will have no slaves as far as respects those hereafter to be born. The Constitution imposes no obligation on a State to hold slaves, as it does that a State shall have two Senators. If it should refuse to send them, it would be virtually withdrawing from the Union.

But it is asked, where is our construction to be bounded? In the first place it is harmless, because it will be bounded by the agreement of the parties; and, according to my present impressions, Constitutional boundaries exist.

I will call the attention of the Committee to this general position, that where the Constitution has granted certain rights to States, and has denied to the States certain other rights, in such cases Congress can neither enlarge nor abridge, as for instance:

The United States shall guaranty to every State in this Union a republican form of government.

The citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States.

Each State to have two Senators, and to have Representatives according to the mode prescribed.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. Each State is entitled also to all the privileges and advantages contained in the amendments to the Constitution.

On the other hand, there are many instances in which restrictions or injunctions are imposed on the States, and the two clauses just mentioned are, in part, of this description. The Constitution farther declares, that—

"No State shall enter into any treaty, alliance, or Confederacy; grant letters of marque and reprisals; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or any law impairing the obligation of contracts, or grant any title of nobility; no State shall, without the consent of Congress, lay any imposts on imports or exports; no State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace; enter into any agreement or compact with another State, or with a foreign Power; or engage in any war, unless actually invaded, or in such imminent danger as will not admit of delay."

The President shall be Commander-in-Chief of the militia of the several States, when called into actual service of the United States.

In all such cases where privileges are granted to the States, as growing out of the Constitution, and where certain rights of sovereignty are taken from the States, Congress, I should think, could not interfere. These compose indispensable characteristics of a confederated State in our Union; and if a State should be admitted into the Union on any other terms, I should think it would not be a State within the meaning of the Constitution.

But, what is there in the Constitution to prevent Congress from proposing terms, and exercising its sound discretion in all other respects?

In the Constitution it is said, that the "enumeration of certain rights shall not be construed to deny or disparage others retained by the people; and that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

What is there for these clauses to operate upon? The people possessed the full power, they granted it to Congress in general terms, and in other parts of the same instrument pointed out wherein Congress should be restricted in the exercise of this power; if there are any other restrictions, it is incumbent on our opponents to show them. The work, to me, appears to be complete and finished, and that no other line can be drawn. Congress has a right to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies. In these instances the restriction is contained in the same clause that makes the grant, but if there had been no restriction, the power of Congress would have been full, and commensurate with the nature of the subject, as in the grant of the power to regulate commerce with foreign nations. So, in the present case, does not the general grant give all the power on the subject that is not restricted by the other parts of the Constitution?

And how can any serious danger of the abuse of this power exist, when the consent of both parties must be obtained? And when there can be no inducement on the part of Congress to propose terms that would materially affect the body of the municipal code, why insist on taking powers from a State that Congress itself could not enjoy? Congress has no exclusive jurisdiction except in the ten miles square, and in other cases can only legis-

late on the Federal powers granted. Terms will never be insisted upon, except as to some important interest that may affect the nation in general; it is beyond any calculation of probability, that Congress would ever wish to make material inroads upon the body of the municipal code.

From the nature of things, when the grantor is not obliged to act, the grantee cannot make his own terms, and shall the parties be denied the privilege of endeavoring to come to such an understanding as may be satisfactory to both?

In this light, the power has been considered and practised upon by many legislative bodies of the nation for a period of about thirty years.

The ordinance itself, of 1787, has undergone repeated recognitions. But, it has been reproached as the production of usurped power. This is an assertion without proof; the States had relinquished all right and jurisdiction over this Territory, and there existed no capacity of self-government or organization; under such circumstances, it could not be irregular for Congress to act, particularly as the cessions were made by virtue of the resolve of Congress of the 10th of October, 1780, which contained this clause: that the said lands shall be 'granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.' And, independently of this, the first Congress after the adoption of the Constitution, which had express power to make all needful rules and regulations respecting the Territory, recognised the ordinance by passing a supplementary act; and the State of Virginia, also, after the Constitution, on the 30th December, 1788, adopted it by agreeing to the 5th article verbatim, which has reference to all the articles, and contains in itself the important proviso that the Constitution and Government so to be formed shall be republican, and in conformity to the principles contained in these articles; in addition to this, it has been recognised by three different Congresses, on the admissions of the States of Ohio, Indiana, and Illinois, into the Union; and by those three bodies of people in the acceptance of their admission into the Union agreeably to its provisions. There are many other instances of its recognition, which make it sufficient to quiet even a doubtful question, for the sake of stability in human affairs, and for the repose and happiness of society.

That States may be admitted into the Union upon condition, we have precedents in the case of every State that has been admitted, except Vermont.

In 1791, Kentucky was formed out of Virginia, and admitted into the Union on certain terms and conditions imposed upon her by the State of Virginia.

Whether the terms are agreed upon between the old and new State, is not material, as Congress acquiesces, and the State is actually admitted on the condition, which is known and considered obligatory. But, the gentleman from Kentucky (Mr. HARDIN) says, that the terms would not have been obligatory, if provision had not been made in the constitution of Kentucky for that purpose. I

cannot assent to this position; the compact was the basis on which Kentucky came into the Union, and it by no means impairs sovereignty to comply with contracts; and the people who wish to compose a State are equally competent to make a contract at the instant of its creation as afterwards; in each case the power exists, and there is no coercion in the one more than in the other.

In June, 1796, Tennessee was admitted into the Union. This State was formed out of the territory that had been ceded by North Carolina, to be governed by the ordinance of 1787, except as to the 6th article, which prohibits slavery. The excepting of this article, by the States of North Carolina and Georgia, manifests plainly their understanding on the subject; yet, where new States were formed out of old ones, it would have been wanton in Congress to endeavor to impose the restriction as to slavery.

In 1802, Ohio was admitted into the Union on conditions.

In April, 1812, Louisiana was admitted into the Union. The act contains this important sentence: "That the above condition, and all the other conditions and terms contained in the third section of the act, the title whereof is hereinbefore recited, shall be considered, deemed, and taken, fundamental conditions and terms, upon which such State is incorporated in the Union."

In 1816, Indiana was admitted into the Union on condition.

In December, 1817, Mississippi was admitted into the Union, and among other conditions are these: that lands sold by Congress shall be exempt from taxes for five years, and that non-residents shall not be taxed higher for their lands than residents.

In December, 1818, Illinois was admitted into the Union, agreeably to the ordinance of 1787.

In the present session, Alabama has been admitted into the Union on condition.

The fourth section of the bill on the table contains a proviso that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. This is the very principle for which we are contending.

The conditions I have just mentioned have been imposed on every State that has been admitted into the Union since the Constitution, except, I believe, two. The conditions I mean are, that lands sold by Congress shall be exempt from taxes for five years, and that the lands of non-residents shall not be taxed higher than the lands of residents. Do not these impugn sovereignty in an indefinitely higher degree than the condition in restraint of slavery? The private rights of soil of course remain with the former proprietors, but the dominion—the right of taxation—is a prerogative of sovereignty of the first order; and, to affect this, is to weaken the very sinews of the government.

That States may be admitted on conditions has not only undergone the ordeal of so many bodies and Congresses, but I believe of every President since the adoption of the Constitution, from George Washington to President Monroe.

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Never was a principle more clearly understood by any nation or people, than that a State may be admitted into the Union on conditions. It has been recognised and confirmed nearly as often at the famous Magna Charta of England. And it appears to have been so considered by the contemporaries of the day. Judge Wilson, who was a distinguished member of the Convention, expressed himself in these words: "It was all that could be obtained; I am sorry it was no more; but from this I think there is reason to hope that yet a few years and it will be prohibited altogether; and in the meantime the new States which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced among them."

After such an understanding on the subject, and so long an acquiescence, the doctrine, as laid down by Chief Justice Marshall, in the case of the Bank of the United States, applies with more than common force. He says:

"It has been truly said that this can scarcely be considered as an open question, entirely unprejudiced by former proceedings of the nation respecting it. The principle now contested was introduced at a very early period of our history, and has been recognised by many successive Legislatures. It will not be denied that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this; but it is conceived that a doubtful question—one on which human reason may pause, and the human judgment be suspended—in the decision of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people are to be adjusted, if not put at rest by the practice of the Government, ought to receive a considerable impression from that practice. It would require no ordinary share of intrepidity to assert that a measure adopted under these circumstances was a bold and plain usurpation, to which the Constitution gave no countenance."

In the present case, the principles of liberty are concerned, but they are on the side that conforms with the practice of the Government.

It has been said, that the precedents passed in silence, and have never been disputed. I answer, that a long uniformity of practice on a subject, the propriety of which was never even questioned, has much greater claims to correctness than if it had been agitated and contested from the beginning, and carried only by bare majorities. In reality, if there is any thing in the objection, it is strange and wonderful in the extreme that the keen eye of interest and of State jealousy should not have discovered it for a period of thirty years.

Another objection has been raised out of the treaty with France of the 30th April, 1803. The article relied upon is as follows:

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of the citizens of the United States; and in the meantime they shall be maintained and protected in the enjoyment of their liberty, property, and the religion which they profess."

The latter part of this article relates to the ceded territory while in its territorial state.

The preceding part does not even say that the inhabitants shall be admitted into the Union as States; but, allowing the greatest latitude, can it in reason mean more than that the ceded territory shall be incorporated into the Union, as States, as soon as possible, according to the principles of the Federal Constitution? A candid construction of this clause would never allow that the inhabitants should enjoy higher rights, advantages, or immunities, than would be derived by the circumstance of being admitted into the Union, as States, according to the principles of the Federal Constitution. If, then, the Constitution authorizes Congress to exercise its own discretion in this particular, will not the inhabitants be incorporated into the Union, according to the principles of the Constitution? Could more have been asked, on the one hand, or ever intended to be granted on the other? The inhabitants would then be citizens of the United States, and entitled, as such, to all the advantages to be derived from that character. If the right to hold slaves is a Federal right, and attached merely to citizenship of the United States, it could maintain itself against State authority; and, on this principle, the owner might take his slaves into any State he pleased in defiance of the State laws. But this would be contrary to the Constitution, and even the broad language, that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, does not produce this effect, as is plainly manifested by the article which directs that persons escaping from labor shall be delivered up to the party to whom the labor is due. This shows that if slaves are intentionally taken into a State to reside, the State can deny to the master any right to hold them as slaves within its jurisdiction.

These rights, advantages, and immunities, were intended to be enjoyed by the inhabitants as a body politic, or in their individual capacities.

If, as a body politic, and they are admitted into the Union, according to the principles of the Federal Constitution, it must be deemed satisfactory in that point of view.

If these rights are attached to them in their individual capacities, they can only be enjoyed by those who were inhabitants at the time; they would look up to the treaty as the fountain of their authority, and would hold not only paramount to all the powers of Congress, but also paramount to any authority that the State of Missouri could possess: the State could not say that slavery should not exist in its limits, if any of the inhabitants should be disposed to say to the contrary; so that, if the restriction would infringe upon one wing of the State sovereignty, this construction of the treaty would infringe upon the other.

But, how is the power to admit States into the Union to be controlled by the treaty-making power? It is a specified power vested in Congress. While the treaty-making power keeps within its sphere, there is, perhaps, a political obligation imposed on Congress to pass all laws necessary to carry it into

execution, so that the different parts of the Government may move in harmony. Where the true line is, might be difficult to say, and it is useless at present to inquire.

It has been said by the gentleman from Kentucky, (Mr. B. HARDIN,) that the treaty-making power could make a treaty offensive and defensive which would be obligatory on Congress. At present I cannot agree to this. Congress has the power to establish a bankrupt law, and to fix the standard of weights and measures; but, if a treaty should be made with England, for instance, that there shall be no bankrupt law in either country, and that the weights and measures in both shall be the same, would it be obligatory on Congress? Congress has a right to declare war; but if a treaty should be made with Spain, and, for the sake of the Floridas, it should engage that this country would go to war against the Patriots of South America in the Spring, would Congress be under any obligation to acquiesce?

I mention these as self-evident cases, by way of illustration, to show the inability of the treaty-making power to control Congress in the admission of States into the Union. But, in this instance, I cannot say that the treaty-making power has exceeded its authority. The words "as soon as possible" could mean nothing more than as soon as Congress should deem it fit and proper; that would be as soon as possible, having relation to the nature of the subject-matter, and to the powers that were to act. It must be acknowledged that they did not mean immediately.

There is another part of the Constitution that has attracted much attention. I mean that which relates to migration and importation. The Committee will perceive that this clause does not directly support the amendment in full, as it would not work an entire extinguishment of slavery in the State of Missouri, it could only prevent future migration to it. But perhaps it may be of some consequence to examine it, as it may have a collateral bearing upon the subject.

It is declared "that the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

What is meant by the words "migration or importation?" If the Convention had meant importation into the United States only, why use the word "migration?" "Importation" was the appropriate word for that purpose, and would have included such persons as should be brought from beyond the seas, as well as those brought from the adjoining countries; it would include, with great propriety, persons brought into the country from any other place whatever.

The subject of slavery was one that occasioned the most animated contest between the members of the Convention; and I presume that they did not employ these words without weighing their signification well.

I will give my idea of the word importation first. On the one hand it was agreed that Congress might prohibit the importation of slaves

after the year 1808; but as Congress had a right to lay a tax or duty on every thing imported into this country, it was in their power to lay it so high as would virtually amount to a prohibition. To prevent this, the slaveholding States had the precaution to have the tax or duty limited to a sum not higher than ten dollars on each person. This compromise ended the contest as to the word importation.

But what is meant by the word "migration?" That it was intended as a significant word, is manifest from the minutes of the Convention.

It was moved and seconded, to amend the first clause of the report, to read, "The importation of slaves into such of the States as shall permit the same, shall not be prohibited by the Legislature of the Union, until the year 1808."

In the proposed amendment, the word importation stood alone; but the motion passed in the negative, and the word migration was retained. Such a variety of opinions are entertained as to the meaning of this word that it excites curiosity. Some think it is synonymous with importation; some, that it relates to free persons coming into this country; others, that it has a double meaning, relating either to free persons or to slaves; and others, that it is confined to slaves to be brought into this country from the adjacent countries.

I shall say nothing as to the first and third expositions. Can it for a moment be imagined that Congress were to be restrained from prohibiting an influx of strangers into this country, if the safety of the country should require it, until 1808? Such a power is incident to every Government; good policy may require it in times of peace, but it is absolutely necessary as preparatory to a state of war, and in war. It appears by the minutes of the Convention, that the clause at one time stood in these words: "But a tax or duty may be imposed on such migration or importation, at a rate not exceeding the average duty laid on imports;" but, as free persons could not have been valued, of course they could not have been intended as the clause then stood. For my own part I think the clause was always intended to embrace slaves, and no other description of persons.

As to the other exposition, that the word migration means slaves to be brought from the adjacent countries; if so, can any sensible reason be given why a duty or tax was not attached to the word migration, as well as to the importation. In both cases slaves would be brought into this country from foreign nations, and why should the tax or duty be stricken out as it related to migration? The word migration must have meant one of two things—either a change of situation from a foreign nation into this country, or a change in this country from one State to another State; in this respect the clause is left at large; it does not contain the words State or United States. The idea of the two words being synonymous, seems now to be abandoned. Suppose, then, that Congress had laid a duty or tax on slaves to be brought from any of the adjacent countries, would such a law have been declared unconstitutional? If not, the case is included by the word importation; and,

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of course, the word migration has no employment there. If we consider the meaning to be a change of situation from one State to another, and that is from one government to another, are we not furnished with the reason why no tax or duty was attached to the word migration, as would not have been agreeable to other parts of the Constitution: "No tax or duty shall be laid on articles exported from any State; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duty, in another."

I have adopted this construction, because it is most free from objection, and because it accords best with humanity, and with the spirit of the times which produced the Constitution.

If this construction is correct, that Congress possesses the power over migration from State to State, and should ever exercise that power, then I may be permitted to ask, how could a State that has abolished slavery ever introduce it into its limits again? Importation from abroad would be cut off; migration from State to State would be inhibited, and the badge of slavery could not be fastened on any white freemen or black freemen; they would be instantly discharged on a *habeas corpus*. Such is the genius of our republican institutions, that no person that is born free can ever be enslaved; and, independently of this, I wish to maintain it as a principle throughout this discussion, that it would be a breach of morality and a true sovereignty, and a dishonor to a State, to introduce slavery, unless there should exist an absolute necessity for it. Under the view which I have taken, if the restriction is not carried, Missouri will be in a better situation, (if she should so consider it,) than such States as I have mentioned, as the existing slavery in Missouri could not be extinguished, but must be permitted to remain and spread over that whole country.

Another consequence would result from such a construction, and that is, it would show that the Convention contemplated a gradual reduction of slavery, and that condensation, instead of extension, was the object which they had in view. I have already mentioned that this part of the Constitution does not directly support the amendment, but that perhaps it might have a collateral influence. I have now explained my idea respecting it.

As to the present amendment, in restriction of slavery, it depends, as I have already said, on the right of the parties to enter into such a stipulation; and I hope I may be permitted to take a brief review of the ground over which I have travelled, and call the attention of the Committee to this particular subject once more.

It is, in substance, that, at the time of the adoption of the Constitution, slavery existed in some of the States; it was considered as a great political malady, but had taken too deep a root to be extirpated by any means then in the power of the country; but, in relation to the Northwestern Territory, the same insurmountable objection did not apply; and the American people embraced the first opportunity that was presented to arrest the further progress of slavery, and while this transac-

tion was recent, or rather simultaneous with it, the Convention sat, and, knowing that States were to be admitted into the Union on this very condition, made the Constitution, employing in the main clause a generality of expression, and omitting the restrictive words it had previously contained. How, then, can it fairly be said, that the Convention meant to restrain Congress on this subject, on any future occasion; that it was in their contemplation to exclude slavery from the Territory, which had been conquered with their arms and blood, and which was to be settled by their own descendants, and yet that slavery should be permitted to spread over any country that might thereafter be acquired; and more especially when we see the anxiety that prevailed to confine this evil to its old limits—an evil, too, which was so anomalous to the sublime feature of the Constitution, that it was not suffered to be named in any of its pages? I may have grown over zealous; something may have created a bias in my mind; but to me it appears to be so unnatural as to warrant the conclusion that it is impossible that such ever could have ever been the intention of the framers of the Constitution. With this, Mr. Chairman, I leave the Constitutional question.

The gentleman from Kentucky (Mr. HARDIN) has said that the act making regulations for the Territory of Missouri imposes no restriction as to slavery, but that it holds out inducements for citizens of the United States, who are the *bona fide* owners of slaves, to remove with them to the Territory.

I have classed this act under the head of expediency, as it forms no Constitutional bar, nor contains any contract. Its object is temporary, and is so declared in the title of the act. It bears no resemblance to a law vesting privileges in a corporation; the principal officers are to be appointed by the President; the inhabitants had no power to reject the regulations. Congress has power to make all needful rules and regulations respecting the Territories belonging to the United States, but the passing of one act prescribing the manner in which laws for the Territory shall be made, does not commit Congress; they can change the mode at pleasure. As to the idea that such regulations are of a binding character and unalterable, it is novel and without solidity.

The ordinance of 1787 was made under different circumstances. The parties claiming right of soil and jurisdiction agreed and acquiesced in it, and by the words of the ordinance, permanency was intended; but, as to the Missouri Territory, there exist no conflicting claims as to soil and jurisdiction; both belong exclusively to the United States, and, from a bare inspection of the act, no intention is conveyed that the regulation should be permanent.

It is nothing more than a case of an ordinary law.

The change of laws often produces an inconvenience to some portion of the citizens; designs may be formed under existing laws which do not reach maturity before the laws are altered.

The policy of the country required non-import-

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tation and embargo laws, to the great disadvantage of many merchants whose capitals were embarked in trade.

The same arguments might have been used when slavery was abolished in any of the States; with equal propriety it could have been urged that it was under the faith of the stability of laws that slaves had been purchased; but this can furnish no reason against prospective laws in favor of the unborn; in them no interest can be vested.

It is further insisted that, as the inhabitants of Missouri held slaves at the time of the cession, it would be unjust to deprive them of any advantage that by possibility might arise even from the issue of their slaves. Let us compare this view of the subject with the circumstances attending the Northwestern Territory. The Canadian inhabitants and other settlers, who professed themselves citizens of Virginia, could not have been very inconsiderable, and Virginia in her act of cession stipulated that they should have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

Nevertheless, such was the ardor for liberty at that day, that the sixth article of the ordinance extinguished slavery not only as to the unborn, but as to the slaves then held by the inhabitants, and, to avoid the operation of the ordinance, some of the inhabitants removed out of the Territory.

With what reason, then, can the inhabitants of Missouri complain, when we proceed in the most conciliatory manner, and do not interfere with the slaves now held by them?

The parties to the treaty knew that, since the adoption of the Constitution, some States had been admitted with a restriction as to slavery, and others without such restriction. The inhabitants had a right to expect that when States should be formed out of this new purchase, the great question would be agitated and decided, whether slavery should be tolerated in the new States or not.

In relation to the general question of expediency nothing new I presume can be advanced, as it has been copiously investigated in this House, and a great deal, as I am informed, has been written upon the subject. I shall, therefore, make but few observations upon it.

I shall not, from any desire of being ingenious, avoid arguments that have been used by others—arguments that convince many, are the more valuable on that account.

The existence of slavery in this country must be considered as involuntary; that it is a great political evil is generally acknowledged, and that no blame is attached to the present generation is equally admitted. It was a bitter inheritance, and one that imposed the necessity of its being accepted.

That it is in direct hostility with the principles of our Revolution we all agree; sentiments different in the extreme at that period seized the American mind, and the voice of true liberty was heard throughout the colonies.

The most pathetic appeals were made on the subject, not only to the people of this country, but to the people of England and Ireland, to the Canadians, and to some of the islands.

The contest for liberty was bloody and expensive, and after it terminated in the achievement of our independence, and when the representatives of the people assembled to make a constitution, among the first difficulties that were presented to them was this unfortunate practice of slavery. It was pregnant with every species of embarrassment; they had fought for liberty, but were obliged to countenance within the borders of their own country a state of bondage; for themselves they could not bear political restraint, yet their situation had been a paradise compared to the condition of this miserable race. A large portion of the people at that critical moment were constrained to yield to certain principles contained in the Constitution, as a federal alliance was considered as the only political event that could effectually contribute to the tranquillity and future greatness of the United States, as a nation; a compromise was happily effected, and to it we are indebted for the many blessings which we have enjoyed; but, to these compromises the inhabitants of Missouri must be considered as perfect strangers.

Could the present question in any shape have been proposed to the Convention, I appeal to the candor of the Committee, if, in their opinion, it would have been sustained for a moment by the patriots of that early day? Slavery in the old States could not be extinguished, but as to States that were to grow up out of the Constitution, it never was intended that they should be inconsistent with the solemn professions made to the world. The sentiments of the nation on this subject were fairly evinced by the disposition of the territory northwest of the Ohio; and shall it now be made a serious question whether we will deliberately extend the practice of slavery to this boundless region, and deny the blessings of liberty to millions unborn, when we are left at liberty to act according to our own wishes, and when there is no plea of necessity for an excuse? I ardently hope that a different result will be the effect of our deliberations.

If we reflect on the subject, I think we must be convinced that the extension of slavery will produce an augmentation instead of a diminution of the slave population, and that this large Western market will incite temptations to evade the non-importation laws, to me appears manifest.

As relates to the population, I beg leave to call the attention of the Committee to the sentiments of Malthus, a celebrated writer: "Population has a constant tendency to increase beyond the means of subsistence; whatever these may be, Africa has been, at all times, the principal mart of slaves; the drains of its population, in this way, have been great and constant, particularly since their introduction into the European colonies; but, perhaps, as Dr. Franklin observes, it would be difficult to find the gap that has been made by a hundred years' exportation of negroes, which has blackened half America; for, notwithstanding the constant emigration, the loss of numbers from incessant war, and the checks to increase from vice and other causes, it appears that the

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'population is continually passing beyond the means of subsistence.'

Will the extension of slavery to Missouri accelerate the extinguishment of slavery in the old States in the slightest degree? If not, why should we make Missouri a slaveholding State? As the climate imposes no necessity, wherein does any excuse exist? The slaves are not confined in narrow limits; they have the range of ten or eleven States, composing an extent of country sufficient for an empire. Can there be any humanity or good policy in driving the aborigines of this country still farther, to make room not only for a white, but a black population, when there are millions of acres uncultivated nearer the centre of the Union? And why should we entail this political poison on the people of Missouri? In answer to this, it is said they wish it. I have no doubt but that many of the inhabitants of the Southern States were, at an early period, actuated by the same motives, but their posterity consider it now as a melancholy misfortune.

As slavery exists, it is asked where is the difference whether they live in one part of the country or another? If no slavery existed in this country, a similar question might be put: it might be asked, as slavery exists in any part of the world, why might they not be brought into this country—will the change affect their happiness? Yet, in such cases, it is highly material, and one reason is, that Missouri will be a new sovereignty, and slavery ought to be extinguished in the limits of every sovereignty, if it can be effected without dangerous consequences. Its existence will interest the State in the perpetuation of slavery.

It is represented as a violation of every principle of justice to prevent slaveholders from carrying their slaves with them to this State, if they should be inclined to remove into it, as the country was purchased by the general fund. With equal propriety the same argument could have been employed in relation to the States formed out of the Northwest Territory, as that was likewise a common fund; but has any serious inconvenience been experienced heretofore in this respect? None has been publicly made known. Gentlemen, moreover, say that it would be cruel to oblige those who should be desirous to settle in this State, to part with such slaves as had gained their affections, such as their favorite nurses and the playmates of their children. The number of this description would be few, and it did not occur to gentlemen that this would be a happy opportunity to give the best evidence of their attachment, by manumitting these favorites and taking them along as free persons: this would afford them comfort the remainder of their lives, and the generous act would amply reward the master.

It has been intimated that this has become a question of high excitement and passion, and that we are carried away in the tide of popularity. Let it be recollected that, if the measure of restriction is popular in the North, the doctrine of non-restriction is equally popular in the South, and the result will show whether they will leave the Southern ranks and entitle themselves to the praise

of the North for their firmness and independence. I have heard it said (but I am not certain that it was in the House) that slaves are as happy as the lower class of white people. If this is correct, it must be in consequence of the degradation to which they are reduced; their faculties are not allowed that expansion which nature intended; they are kept in darkness, and are unacquainted with their true situation, as well in regard to their present state as to their future existence. Slavery in the abstract strikes the heart with abhorrence: this life can have no charms if it is not sweetened with liberty; and if a slave has any accurate knowledge of his own condition, nothing can appear before him but sadness, from the dawn of the morning to the close of the evening.

Independently of any considerations of humanity, many of a political character exist. The balance of power between the original States will be disturbed; as, according to the mode prescribed by the Constitution, the owner of one hundred slaves has as much influence in the representation as sixty-one freemen; and as direct taxation is but seldom resorted to, it is by no means an equivalent. This may often give a minority of the freemen a control over the politics of the country. This unquestionably is a hard bargain, but it is one that has not been made with the inhabitants of Missouri.

Another reason has great weight with me, and that is, the preference that ought to be given to a white population over a black population, as it regards the strength and prosperity of the nation. Slaves have no ambition; they can never become expert as soldiers, sailors, or artificers: in time of war, the country would be weakened by them; instead of aiding in the defence of the country, they must be watched at home. In time of peace, slavery has a pernicious tendency on the industry of white people; a population of industrious freemen can never be expected to exist, if they are to be mixed with slaves; they will become idle, and the existence of slavery in that country will prevent many from settling in it.

The wilderness would be much sooner converted into cultivated farms by a hardy race of freemen, the owners of the soil, and interested in the advancement and prosperity of the country.

Many suggestions have been made in relation to a compromise. But, if we reflect a moment, it will be easily perceived that, under the circumstances, it will be impossible to compromise a question of this character. A compromise usually has for its basis mutual concessions, which are equally obligatory; but, if we should pass a law excluding slavery from the remaining territory, where would be the security that another Congress would not repeal it? It will be but an ordinary act of legislation, and, whenever there shall be an application for a new State, we shall be met with the same Constitutional objections that now exist. It is, in fact, yielding all for which we have been contending, and if we once give up the ship, slavery will be tolerated in the State of Missouri, and we can never after remove it.

It is true that a compromise was made on the

subject of slavery at the adoption of the Constitution, but it was one of an obligatory nature, and it arose out of circumstances that could not be controlled. The Constitution was necessary to save us from domestic discord and foreign ambition; we were then in our infancy; but now our national strength bids defiance to any nation, where, I ask, is the necessity of deceiving ourselves or our constituents by this mere pretence of a compromise?

The gentlemen on the other side tell us that, if the restriction is carried, the Union will be dissolved. Missouri alone, notwithstanding her high displeasure, could make but a feeble effort in this respect, and will the respectable, patriotic, and high-minded State of Virginia, be disposed to break up the Union on this occasion—Virginia that has enjoyed the highest honors of the nation, both in war and in peace? Will the others slaveholding States join in the contest? What is there to justify such a calamitous event? Wherein are we betraying our country? Do we not stand on the ground of our ancestors? Are we not maintaining the same principles that animated their hearts when, like a band of patriotic brothers, they unanimously excluded slavery from the Northwestern Territory? I have no wish to say that the honorable gentlemen only mean to intimidate us—that would be unkind—but I beg leave to differ with them on this subject. I have a more exalted opinion of the patriotism of the South; they will never cause American blood to be spilt, unless for reasons that would justify them in the eyes of the world; and, in the language of Mr. Jefferson, “the Almighty has no attribute that would side with them in such a cause as this would be.” Has it come to this, that the extension of slavery is to be considered as one of the pillars of our liberty? This, indeed, would be a political paradox.

Finally, it is contended that the restriction will interfere with private property, when it only says that children hereafter to be born shall be free. The evil is permitted to remain in part of the Union for the most cogent reasons; but beyond the limits of the old States the power of Congress is competent to arrest its farther progress. The rights of this unfortunate people only sleep. They never die, and ages and ages may pass away, and the natural rights of posterity remain as perfect as those of their ancestors when first enslaved. Can you have deeds in your trunks to secure the bondage of the unborn? It is impossible; the natural rights of man forbid it; when he is held in bondage, it is upon other principles, which I have explained. This will not be the first example; a law was passed in Pennsylvania, in 1780, on similar principles, by which children born after the passage of the act were to be free at the age of twenty-eight, the constitutionality of this law never was questioned; and they could be set free at twenty-eight, for the same reason they could be declared to be free at the moment of their birth; and I am proud to say that Pennsylvania took the lead in this glorious cause; and her citizens have remained faithful and ardent advocates for the gradual emancipation of the African race from that day to this.

I here close my remarks, only observing that I consider the present question as one of the highest character, as it regards the honor and future prosperity of this country; and as its discussion comes fairly within the pale of the Constitution, if the debate is carried on with candor and decorum, I do not see why it should excite unpleasant feelings.

MONDAY, February 7.

Mr. SILSBEE presented a petition of sundry inhabitants of Gloucester, in the State of Massachusetts, engaged in the cod fishery, stating that they conceive themselves to be exempted from militia duty, agreeably to the terms of the act of the 8th of May, 1792; but that, by a mistaken or illiberal construction of said act by the militia officers, they are compelled to perform duty as militiamen, and praying that Congress will more clearly define who are mariners, according to the intent and meaning of said act; which petition was referred to the Committee on Military Affairs.

The SPEAKER presented a petition of William Callender, of Boston, stating that, after “a practice of forty years, more or less, especially within the last seven years, he has made such improvements in the art of gunnery, as never before entered into the mind of any man, either in Europe or America;” that, by his said invention, he can cast an arrow from a cannon, at a considerable distance, into the rigging of an enemy’s vessel, and envelope her in flames; and “praying Congress to grant him all the favors he may have requested, and as many more as he may be thought entitled to, as a compensation for so much time spent for the good of his country.”—Laid on the table.

Mr. CROWELL presented a petition of sundry merchants, and other inhabitants, of the town of Blakeley, in the State of Alabama, praying that the said town may be established as a port of entry and delivery; which was referred to the Committee of Commerce.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom was committed the bill for the relief of Thomas Carr, and others, together with the petition of said Carr, and others, made a detailed report, recommending the rejection of the said bill; which report and bill were committed to a Committee of the Whole to-morrow.

A motion was made by Mr. MILES, that the House do now proceed to consider the resolution submitted by him on the 5th instant, in relation to slavery within the United States. And the question being taken thereon, it was determined in the negative.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill making appropriations for the support of the Navy of the United States, during the year 1820; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. NELSON, of Virginia, moved the adoption of the following resolution; and submitted a few remarks on the deep importance of the question now under consideration in the House, and the

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great anxiety of the people to know the result of the deliberations on that question, &c., to enforce the propriety of agreeing to the proposition which he offered, and which was as follows:

Resolved, That the standing rules and orders of the House of Representatives, directing the method and order of transacting business, be suspended, and that, until the passage or rejection of the bill for the admission of Missouri as a State into the Union, this House will proceed to transact no other business, but will daily, as soon as a quorum assembles, enter upon the consideration of that subject, and will not suffer its deliberations to be interrupted by the examination of any other question whatever.

The question was put, whether the House would now consider the resolution, and it was determined in the negative—ayes 72, noes 79.

On motion of Mr. FLOYD, the Committee of Ways and Means were instructed to inquire into the expediency of granting farther time to James Charlton, jr., to discharge a judgment obtained against him, in favor of the United States, in the district court of Virginia, west of the Alleghany mountain, at Wythe courthouse, and allowing him such credits as he may appear to be entitled to.

The SPEAKER laid before the House a letter from the Attorney General of the United States, returning the petition and documents of Joseph Wheaton, referred to him by an order of this House of the 28th ultimo, with directions to report thereon; which report he declines to make, for reasons stated in the said letter. Laid on the table.

A message from the Senate informed the House that they have passed bills of the following titles, to wit: "An act to continue in force the act passed on the 20th day of April, 1818, entitled 'An act supplementary to an act entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the 2d day of March, 1799,'" "An act for the relief of Jennings O'Bannon;" and "An act to remit the duties on a statue of George Washington;" in which bills they ask the concurrence of this House.

Mr. COOK offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the salary of any of the judges of the district courts of the United States ought to be increased, and if so, in what districts such increase shall be made.

Mr. C. offered a few remarks to show that there was not an equitable distribution of compensation amongst the officers of the Government; that some classes were rewarded above their merits, while others received too little for their services, and that the subject at least demanded an investigation, &c.

The question was then taken on agreeing to the resolution, and lost by a large majority.

Mr. MERCER submitted the following resolution for consideration:

Resolved, That, until the decision of the question now depending in this House, relative to the admission of the State of Missouri into the Union, the House will not adjourn any day before four o'clock in the afternoon.

Mr. MERCER remarked that he had been himself

in favor of a later hour, but he had proposed four, in conformity to the wishes of friends. He urged the propriety of greater diligence in bringing the discussion of the question concerning Missouri to a close.

Mr. LIVERMORE was opposed to the resolution as unnecessary. The House was at liberty to adjourn when it pleased, and could sit as late as it pleased, without tying itself by a resolution.

Mr. HOLMES moved that the further consideration of the resolution be postponed till six o'clock this evening; but the Chair deciding that as the resolution went to affect the standing rule and orders of the House, it must lie on the table one day of course, it was laid on the table accordingly.

Mr. PINDALL moved to change the daily hour of meeting from eleven o'clock to ten in the morning; on which motion the House divided, and negatived it by a large majority.

THE MISSOURI BILL.

The House resumed, as in Committee of the Whole, (Mr. BALDWIN in the chair,) the consideration of the Missouri bill, the restrictive amendment being still under consideration.

Mr. HEMPHILL, of Pennsylvania, resumed and concluded the speech which he commenced on Saturday, in favor of the restriction. His speech is given entire in the preceding pages.

Mr. McLANE, of Delaware, addressed the Committee as follows:

Mr. Chairman—If it were not for the peculiar situation in which I shall be placed, in regard to some respectable opinions prevailing in the State from which I have the honor to come, by the vote I shall feel it my duty to give upon the present occasion, I should not trespass upon the time of the Committee. If the eloquence and ability which have been already employed in this debate have not produced any change of opinion, I have not the presumption to suppose that it will be in my power to vary the result; but, if it is not for me to disturb the opinions of others, I may afford a justification of my own, and furnish to those who may hereafter feel any interest in the course I deem it my duty to pursue, an exposition of the motives by which I am governed.

I concur with the honorable mover of the amendment, that it presents an act of no ordinary legislation; and I am very sure he cannot easily overrate its importance—an importance derived not more from the intrinsic magnitude of the question, in all its relations, than the excitement and tumult to which it has given rise in every part of the Republic. I do not believe that any subject has ever arisen in this country, since the formation of the Government, which has produced a more general agitation, or in regard to which greater pains have been taken to inflame the public mind, and control the deliberations of the national councils. The dazzling reward of popular favor, invested with all its fascinations, has been held up on the one hand, and the appalling spectre of public denunciation, with all its frightfulness, on the other. The sincere and humane, actuated, I am sure by the best and purest motives; the aspiring dema-

gogue and ambitious politician; those who wish well to their country; and those who seek power in the troubled sea of popular commotion; have promiscuously united in these public agitations, until the press has teemed, and our tables groaned, with a mass of pamphlets and memorials beyond example.

The State which I have the honor, in part, to represent, has been the theatre of a full share of this agitation; and the honorable Legislature of that respectable State has been pleased, recently, to take up the subject, and have unanimously resolved that, in their opinion, Congress have the Constitutional power, and ought to impose this restriction upon the new States.

Entertaining the respect I do for the intelligence of the people of my own State, and the character of their Legislature, I cannot find my opinion in opposition to theirs without the most unfeigned regret. For, although I do not concede to the Legislature of a State the right of instructing the representatives of the people in Congress, or of employing its official character to influence their conduct, or to affect their responsibility, yet, viewing their acts, in this respect, as the opinions of the individual members merely, I cannot regard them with indifference, selected, as they undoubtedly should be, from their fellow-citizens, as distinguished for some portion both of virtue and intelligence.

I am free to admit, that, in subjects of general policy merely, the will of the people, when fully and fairly ascertained, is always entitled to great weight; and, upon an occasion like the present, if I were influenced by motives of expediency only, I should be much disposed to yield my impressions to that will. But, in Constitutional questions, the representative is, or ought to be, governed by higher considerations; and he would be unworthy of his trust who could be regardless of them. He is sworn to support the Constitution, and he takes his seat in this House, to legislate for the nation, under the provisions of that instrument. His own integrity, and the safety of our common institutions, depend upon his strict personal accountability; his own opinions, formed by the best lights of his own impartial judgment, must be his guide, and he cannot adopt those of others, when conflicting with his own, without a surrender of his conscience. In such cases, popular feelings and legislative recommendation can have no greater influence than to weaken one's confidence in his own impressions, and to dictate a re-investigation of the subject, to see if conclusions may not have been drawn from false premises, or views overlooked, which, if they had been adverted to, would have led to a different result. I have allowed the recommendation of the Legislature of Delaware to have such an effect in this instance. I have deliberately reviewed and reconsidered this important subject, divested, I am sure, of any improper feelings, and prompted by every allurements of popular favor, to reach a conclusion in conformity with their views; but, I am bound to say, after this re-investigation, pursued with great labor, and a full sense of my responsibility, that I be-

lieve, in my conscience, that Congress does not possess the power to impose the contemplated restriction. In this belief, then, Mr. Chairman, and resting upon the principles of the Constitution, and my duty to a power higher than any legislature, I must regret the difference of opinion, and be contented with an upright discharge of my public trust. I will take leave to say, sir, in the language of an illustrious man on another occasion, who I could desire to imitate in many other respects, "I honor the people, and respect the legislature; but there are many things in the favor of either, which are objects, in my account, not worth ambition. I wish popularity, but it is that popularity which follows, not that which is run after. It is that popularity which, sooner, or later, never fails to do justice to the pursuit of noble ends, by noble means. I shall not, therefore, on this occasion, do what my conscience tells me is wrong, to court the applause of thousands; nor shall I avoid doing what I deem to be right, to avert the artillery of the press."

I shall not, in this place, sir, imitate the example of other gentlemen, by making professions of my love of liberty, and abhorrence of slavery; not because I do not entertain them, but because I consider that the great principles of neither are involved in this amendment. It is a coloring, to be sure, of which the subject is susceptible, and which has been used in great profusion, but it serves much more to inflame feelings and prejudices unfriendly to a dispassionate deliberation, than to aid the free exercise of an unbiassed judgment.

This amendment does not propose, nor has it for its object, to inhibit the introduction of slaves from parts beyond the United States; in such a scheme there is no intelligent man in the Union who would not cordially concur. Neither does it propose to promote the emancipation of the slaves now in the country; this is admitted to be impracticable; the wildness of enthusiasm itself acknowledges its incompetency for such an undertaking. The truth is, sir, that this species of unhappy beings are now among us; brought here, in part, by events beyond our control, and, in part, under the authority of our own Constitution; and it behooves us, by a wise and prudent administration of our powers, to meliorate their condition, and accommodate the evil, as far as it may be practicable, to the peace and happiness of our white population, and the stability of our institutions. It is not pretended, even that the condition of the unhappy slave himself would be improved by the success of this amendment; on the contrary, it has been insinuated, as boldly as the sentiment would justify, that his confinement to a narrower compass might lead to his extirpation, by the gradual, but sure, process of harder labor, and scarcity of subsistence. I am free to say, that the condition of the slave himself would be meliorated by his dispersion; nor do I attach the same importance, as some gentlemen appear to do, to the danger of encouraging an illicit importation from abroad by permitting a market west of the Mississippi. It is an argument founded on the futility of legal restraint, the worst possible species of argument by which a

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legislature could be influenced. It would prove the inutility of every act of legislation, or might be used to justify every species of usurpation. It would equally demonstrate the futility of the proposed amendment itself; for, if gentlemen cannot hope to exterminate the foreign slave trade, by all the precautions legitimately in their power, founded in an unanimity of legislation, strengthened by the powerful force of public sentiment, and the abominable nature of the traffic itself, what greater reliance can they place upon this restriction, foisted into the Constitution of a free people against their consent, on which account, alone, it would be an object of hatred and contempt, and the violation be winked at by a great portion of the people, if not by their public authorities?

Sir, this amendment does not even propose to prevent the introduction of slavery into Missouri for the first time; it has already taken root there; we found it there when we acquired the territory, and it has grown and extended under the sanction of our own laws; but the whole force and effect of the amendment is, to take from the people of Missouri the right to decide, for themselves, whether they will permit persons removing thither, from other States in which slavery is tolerated, to take their slaves with them. This object would not be undesirable, if it could be accomplished by the legitimate powers of Congress; but we have no right to do it by an assumption of power in ourselves, or by an unauthorized use of the power of others.

Mr. Chairman, the great question involved in this amendment is neither more nor less than this: whether Congress can interfere with the people of Missouri, in the formation of their constitution, to compel them to introduce into it any provision, touching their municipal rights, against their consent, and to give up their right to change it, whatever may be their future condition, or that of their posterity? Every thing beyond this is merely the imposing garb in which the power comes recommended to us. It is certainly true, that an attempt to take from this people the right of deciding whether they will or will not tolerate slavery among them, is less objectionable because of its end, than it would be if it interfered with some other local relation or right of property; but the power to do this implies a power of much greater expansion. Congress has no greater power over slavery, or the rights of the owner, in any particular State, than it has over any other local relation or domestic right; and, therefore, a power to interfere with one must be derived from a power to interfere with all. Sir, it is manifest, from the avowal of the honorable mover, that he contemplates a wider scope of power, and the attainment of important ends, other than those which lie upon the surface of this amendment. The gentleman seemed not to limit his view to the municipal effect of this power; in his eye it was to have an indirect operation upon the Federal powers of the General Government, since his chief objection appeared to be to the enumeration of slaves in the ratio of Congressional representation. Sir, I think it will be in my power to show that the gentle-

man's fears, on this score, are groundless; but they serve to prove, nevertheless, that this is neither wholly a question of slavery, nor a power limited to this single object, but that it is only one, selected from an immense mass of power, authorizing Congress to control the rights of a free people in the formation of their State constitution; and, in this way, to enlarge the operation, if not the nature, of the political power of the General Government.

Having thus attempted to place the real question before the Committee upon what I conceive to be its true grounds, I beg leave to invite their attention to a closer examination of this subject.

By the Constitution of the United States, it is provided that "new States may be admitted by the Congress into this Union." This is a power to "admit" a "State;" it is no power to form or create a State; it presupposes the right to form a State to reside elsewhere; and, as I shall attempt to show more particularly hereafter, that right resides in the people, and this clause invests Congress with no power to interfere with the exercise of it. It is also a power to "admit" a "State;" it is not to admit a Territory, or any thing less than a State; and it is a power to "admit" a "State into this Union." The Union, as I shall presently show, is nothing more than a compact between the States who compose it and the General Government; and if any member of it is admitted upon the principles of a different compact, or with fewer or greater privileges, the Union, in that respect, would be changed.

Such a limitation is no disparagement upon the powers of Congress, and in ordinary cases would be sufficient for every useful purpose. The power in itself is, ordinarily, discretionary, and, in the exercise of this discretion, where it existed, the power would be competent to attain all ends consistent with the principles of a republican Government. In every case where the discretion existed, the people composing the State or community applying for admission, would form their constitution according to their own views of their welfare and happiness, present it for the acceptance of Congress, and solicit admission; the power to be exercised by Congress, in such a case, would be to "admit" or reject; in the exercise of this discretion, it would be their duty to consider the nature of the constitution, its influence upon the habits and character of the people who were to be governed by it, and, also, its conformity with the spirit and principles of the people of the United States, as well as the effect of a new State upon the interests and conditions of the Union generally. If, after this deliberation, Congress should be willing to exercise their power to "admit," they would of course do so, but they would admit a "State" governed by a constitution formed by the people, for their own government, in whom alone the power to form it resides; and the State so admitted, would take her station with the others composing the Union, and then, and not sooner, the powers of the General Government would operate upon her in common with all the others. If, on the other hand, Congress should refuse to "admit,"

the people would remain in their former condition; if it were a State independent of the Union, it would continue in its government; if a Territory, belonging to the United States, it would remain under a Territorial form of government until, by a remodification of their constitution, or the views of different councils, they could obtain the assent of Congress to their admission into the Union. But I contend that, in such case, whatever may have been the provisions of the constitution of such people at the time of their admission into the Union, they would have the right under the principles of our Government to change it, if their happiness and the condition of their internal affairs should at any time render it necessary.

If in this instance, Mr. Chairman, the ordinary discretion of Congress existed, I should be disposed to exercise it, and refuse to admit the State, until the constitution was formed according to my views of the great interests of this Union; though I am free to admit, that much is due to the principles of our republican policy for extending the blessings of self-government to all its people, as soon as their numbers will admit of it, and of holding as few of our people as possible in a state of colonial dependence. But, sir, I contend that, in regard to the people of Missouri, our discretion has been surrendered by the legitimate authority of the Government, and by Congress itself, and that we are not now free to exercise it.

The people of Missouri come here with the Treaty of 1803 in their hands; they demand admission into the Union as a matter of right—they do not solicit it as a favor. If their constitution is republican, and consistent with the provisions of that under which we are acting, we have no alternative, unless it is to refuse to execute our own contract—to violate the plighted faith of the nation. No one will undertake, at this day, to deny that the United States had the right to acquire the Territory of Louisiana. They had the right also to acquire it by contract; the right of acquiring includes the right of governing it; and, in contracting for its acquisition, it is competent to stipulate the terms and the principles by which the right of governing it should be exercised. If the United States were competent to make the treaty, the treaty was competent to take away the discretion of Congress, for it is declared to be the "supreme law of the land."

It must also be conceded that the power to admit new States, is one of the powers of the General Government, and I shall not deny that, in its ordinary exercise, it belongs to Congress, but being a power in the General Government, given up by the States, its exercise may be regulated and controlled by the treaty-making power; which is the extraordinary and supreme power of the same Government. The powers of the General Government are executive, legislative, and judicial; and are, ordinarily, exercised by the respective departments on which they naturally devolve; they may or may not be exerted, as circumstances make it proper. But the treaty-making power is the extraordinary power which may stipulate with regard to the exercise of any of them, and its stipulations are bind-

ing because they render the exercise of the power necessary. No treaty can be unconstitutional which stipulates for the performance of any matter which it is within the power of the General Government to perform; a distinction to which the honorable gentlemen from Pennsylvania (Mr. HEMPHILL) did not advert, when he found it necessary to elude the obligations of the Treaty of 1803, by pronouncing it unconstitutional. A treaty is only unconstitutional, when it stipulates for the exercise of powers, or the surrender of rights, which never have been given to the General Government, but belong to the States and the people. This is the exposition which has ever been given to the treaty-making power, since the famous British treaty. It would be difficult to imagine a treaty that did not contain some stipulations in regard to the powers either of the executive or legislative departments of the Government. The power to regulate commerce, with foreign nations, to appropriate money, and to raise armies, belong to Congress. But the treaty-making power may make stipulations in regard to either, and for the exercise of either, and the Congress and the nation would be bound by them. The interference of Congress might, in some instances, be necessary to carry the stipulations into effect; and it would be their duty in good faith to yield it. If they refused, the national faith would be violated, but the treaty would not be void. In the very instance of the Louisiana treaty, it was stipulated, among other things, to pay \$15,000,000 as the price of the cession. This amounted to a stipulation that Congress should appropriate that sum of money. Congress cannot have, and ought not to have, a more unlimited discretion, in the exercise of any power, than in that of appropriating money; yet the treaty stipulated, that they should exercise the power, and the Congress did exercise it; could not the treaty then stipulate that they should admit a State into the Union, and if it do so, are not Congress equally bound to execute it? Shall it be said, that their discretion is gone in the one case, but exists in the other? Then, sir, has the Treaty of 1803 stipulated that Congress shall exercise their power to admit this State, and have Congress sanctioned the stipulation?

The third article contains this provision: "The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

It must be conceded that this article was designed to have some meaning, and to secure to the inhabitants some rights and advantages to which they could have no claim without it. It will not do, in the interpretation of an important instrument of this description, to say that the only article which applies to the inhabitants whose rights would be affected by the transfer, is a mere matter of form, without substance or design. Its own

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language clearly imports its intention, to confer "rights, advantages, and immunities," of a political character, and such as they could not have claimed as a matter of right without this stipulation. What would have been the condition of these inhabitants in relation to the Government of the United States, if the treaty had not contained this provision? Sir, the power of the General Government over them and the territory, would have been supreme; it could have kept them in a state of perpetual colonial dependence; placed over them any form of government whatever, and, if it pleased, have sold them again to any foreign Power. It would have been completely discretionary to have "incorporated" them into the Union or not, as it pleased, and to give them such rights as it thought proper, and when it pleased. Now these are the very powers this treaty meant to tie up; and when we consider the objections which the language and foreign habits of these inhabitants might have interposed to their incorporation into the Union, and that the United States were bargaining more for the free navigation of the Mississippi river than an accession of territory or population, it became an imperious duty on the French Government to stipulate, that if the United States obtained their object, they should be compelled to extend the rights and advantages of free government to the inhabitants.

They are to be incorporated into the *Union* of the United States, and are to be admitted as soon as possible to the enjoyment of the rights, advantages, and immunities, &c., and "in the meantime they are to be protected in the free enjoyment of their property." This latter clause shows that their incorporation into the Union meant more than a Territorial form of government; they were to be under such a government until they could be incorporated into the Union, and during that time their property was not to be disturbed. It was only under that form of government that the United States could interfere with these rights. Their power would cease when it became possible to incorporate them into the Union, and admit them to the enjoyment of all the "rights, advantages, and immunities, of citizens of the United States;" in virtue of which, they would themselves be authorized to regulate their own property.

Now, Mr. Chairman, the people of Missouri cannot be incorporated into the Union but as the people of a "State," exercising State government. It is a Union of States, not of people, much less of Territories. A Territorial government can form no integral part of a union of State governments; neither can the people of a Territory enjoy any federal rights, until they have formed a State government, and obtained admission into the Union. The most important of the federal advantages and immunities consist in the right of being represented in Congress—as well in the Senate as in this House—the right of participating in the councils by which they are governed. These are emphatically the "rights, advantages, and immunities, of citizens of the United States." The inhabitant of a Territory merely has no such rights—he is not a citizen of the United States. He is in

a state of disability, as it respects his political or civil rights. Can it be called a "right" to acquire and hold property, and have no voice by which its disposition is to be regulated? Can it be called an advantage or immunity of a citizen of the United States to be subjected to a Government in whose deliberations he has no share or agency, beyond the mere arbitrary pleasure of the governor—to be ruled by a power irresponsible (to him, at least) for its conduct? Sir, the rights, advantages, and immunities, of citizens of the United States, and which are their proudest boast, are the rights of self-government—first, in their State constitutions; and secondly, in the Government of the Union, in which they have an equal participation.

It is said, however, by the honorable gentleman from Pennsylvania, (Mr. HEMPHILL,) that they are to be admitted according to the principles of the Federal Constitution, and that as by those principles it is discretionary in Congress to admit or not, we are at liberty to act or not. Surely, sir, this argument resembles too nearly a play upon words to be received by a grave legislative body, professing to execute in good faith the spirit of a treaty. Such a construction would render the treaty a mere nullity. It is plainly to say to the people of Missouri, that, though we cannot deny that the treaty has stipulated that you shall be admitted, yet that we shall take the liberty of executing the contract or not, as we please. There is, first, a definite and distinct stipulation "that the inhabitants shall be incorporated in the Union of the United States;" and then follows the subsequent clause of the article, clearly explanatory of the nature of the "incorporation," to wit: "and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." In this is included as positive an engagement that Congress shall exercise their power to admit these inhabitants into the Union, as there is in the other articles of the treaty, that Congress shall pass the necessary laws for carrying their respective provisions into effect. The words "according to the principles of the Federal Constitution" obviously apply to the extent of the population, or the obligations incurred in virtue of the admission. This is most manifest from the provision that they shall be admitted "as soon as possible," according to the principles of the Federal Constitution. If it had been designed to leave the matter discretionary, it would have been useless to provide for their admission "as soon as possible." If the provision had been that they should be admitted as soon as their numbers shall amount to forty thousand, there would have been no doubt. The actual provision is not less explicit. It makes it obligatory upon Congress to admit them as soon as they have the power to admit them under the Constitution. They have this power as soon as the population is sufficiently numerous, according to the established ratio of representation, to entitle the State to one Representative.

Sir, this clause is entirely in favor of the rights

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of the inhabitants, and restrictive of the powers of Congress. Its object was not merely to secure their incorporation in the Union, which might have been liable to some embarrassment, but also to secure to them that incorporation, and the free enjoyment of all the rights, advantages, and immunities of citizens of the United States, according to the principles of the Federal Constitution. Such, sir, I insist, is the true exposition of this treaty, a treaty adopted by Congress, with a full knowledge of such exposition, which has been uniformly given to it by every act of the Government since its ratification. As I deem the true import of the treaty of much importance in this argument, I must beg your permission to refer, with some particularity, to the acts of the Government in this respect.

One principal point of difference between the two great parties, by which the people of this country were originally divided, was in regard to the force and effect of the treaty-making power. Mr. Jefferson, who was at the head of the Administration when the treaty of 1803 was concluded, entertaining the opinion that it was not binding upon Congress until it received their approbation, submitted it to them, and recommended the passing of the necessary laws to carry it into effect. The party at that day opposed to Mr. Jefferson's Administration pronounced the treaty unconstitutional, because it stipulated to admit States into the Union, carved out of a territory which formed no part of the old Thirteen States. They did not deny the force of a treaty containing engagements in regard to the powers of Congress, but said that no department of the General Government had power to make new States out of new territory. The third article of the treaty of which I have been speaking was the objectionable clause, and both parties concurred in ascribing to it the same construction for which I now contend. On that occasion, Mr. Griswold, of Connecticut, and one of the ablest and most distinguished statesmen of whom this country can boast, when speaking of the just interpretation of this third article, said: "It is perhaps somewhat difficult to ascertain the precise effect which it was intended to give the words which have been used in this stipulation. 'It is however clear, that it was intended to incorporate the inhabitants of the ceded territory into the Union, by the treaty itself, or to pledge the faith of the nation that such an incorporation should take place within a reasonable time.'" The honorable Mr. Tracy, of the Senate, upon the same occasion, and in reference to the same article, also expressed himself in the following terms: "The obvious meaning of this article is, that the inhabitants of Louisiana are incorporated by it into the Union upon the same footing that the territorial governments are, and the territory, when the population is sufficiently numerous, must be admitted as a State, with every right of any other State." Mr. Pickering went even further, and said: "If in respect to the Louisiana treaty, the United States fail to execute, and within a reasonable time, the engagement in the third article to incorporate the territory in

the Union, the French Government will have a right to declare the whole treaty void." This construction was acquiesced in by the opposite side, who contended that the power to admit new States was not confined to the old territory, and, that as the treaty was now submitted for the approbation of Congress, they had only to determine whether it was expedient to adopt it with this provision. After the utmost deliberation, and with a full understanding of the clear import of this third article, Congress determined to adopt the treaty. They accepted the territory, and passed the necessary laws for carrying it into full effect. They made it their own act. They subsequently divided it into two territorial governments, and made no attempt to prevent the existence of slavery in either; they sold the land, and invited emigrants to go thither from other parts of the United States, and buy and settle, but did not prohibit them from carrying their slaves with them. They sold the land and put the money in the public treasury. As soon as the population of that part of the territory called, under the division, Louisiana, became sufficiently numerous, Congress admitted it into the Union as a State upon the same footing with the original States: no attempt was made to insist upon a restriction similar to the present, or to impose any other condition against their consent which in any manner affected the rights of the people in the exercise of their sovereign power. The provisions to which Congress required the people of Louisiana then to submit, will be found, with one exception, to be such as were prescribed by the Constitution of the United States, and to which they would have been subjected, though they had not put them into their constitution. Their enumeration in the law was wholly a matter of caution. On that occasion, also, the people voluntarily assented to the terms, and the right of Congress to impose conditions against their will never was asserted. It was particularly so in that part of the law which stipulated that the lands sold by the United States should not be taxed for five years. It is, however, to be remarked, that this was not a destruction of the power in the people to tax the land; it was an agreement merely between the parties to suspend it for a term of years; but the restriction now attempted to be imposed upon the people of Missouri is a complete annihilation of their power and right forever. In the case of Louisiana it was no part of their constitution; it was a mere agreement by separate contract not to use a power admitted to be in them for a limited time. In the case of Missouri it is an attempt to make a constitution extinguishing a power, and making that constitution irrevocable.

The Congress of the United States having thus given a contemporaneous interpretation to this treaty, and their own obligations, have, by the most unequivocal and positive acts, encouraged the emigration of the citizens of the United States from the other States, who have gone thither in the expectation, and under the engagements of Congress, that the territory should be incorporated into the Union upon an equal footing with the

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original States, as soon as the population would justify it, and they stand, therefore, upon the same footing, and are entitled to the same rights, which belonged to the inhabitants residing there at the time of the cession.

It appears to me, therefore, Mr. Chairman, to be established past controversy, that Congress are bound to admit the Missouri Territory into the Union; and that we have no discretion to admit or reject it. If we have no such discretion, how is it possible that we can require from the people any terms which are founded on this discretion? We can only enforce our terms by declining to admit the State, unless they are assented to; but, we have no power to refuse to admit, and therefore we have as little power to prescribe the terms of admission.

I am willing to admit, however, sir, that if there be any thing in the Constitution of the United States, which will authorize Congress to impose this restriction upon the people of Missouri, independent of our power to reject the State, the treaty will not prevent its exercise. These people, though they have a right to be incorporated into the Union as a State, as the people of a State, they are to be entitled to no greater privileges, or liable to greater obligations, than the people of any other State, under the Federal Constitution.

What, then, are the principles of the Federal Constitution, and the powers conferred upon Congress in this respect?

The fundamental principle of this and of every republican Government is, that the sovereign power resides, and is inherent in the people, and not in the Government. The sovereign power is the right of the people to unite together for objects of their mutual safety and advantage, and to establish a public authority to order and direct what is to be done by each in relation to the end of the association. Upon the principles of our Government, all the sovereignty is in the people—they are the fountain whence it all flows, and the General Government has no other power than what the people have delegated to it for Federal purposes. These are the rights asserted in the Declaration of Independence; they are those for which our fathers contended with Great Britain, and, wherever man is found, he is found in the possession of them. In the establishment of the public authority, a greater or less portion of power may be delegated by the people by voluntary engagements; but, whatever may be the power delegated, the sovereignty is not impaired, since it was by their will, and may be recalled or modified by the same will when the ends and objects of their association require it; all Governments are instituted for the protection of this right in the people. Before the formation of the Union, the people of each State were sovereign and independent; they had exercised their sovereignty in the formation of State constitutions and governments; they not only retained all power not given to these governments by their constitutions, but they possessed the right and power of altering and changing their constitutions at will. In virtue of this sovereign power, the people of the old States consented to form a compact of union, for their

mutual safety and equality of rights, and they consented to vest, in the Government of the Union, certain powers, the better to guaranty to the people the enjoyment of the remainder. The powers of the General Government are therefore limited, and all the power not delegated remains with the States, as far as their constitutions give it, and with the people. In all other respects the States and the people are as completely sovereign as they were before the Union. It will not be pretended that the people have ever surrendered their right to alter and change their State constitutions, and to make any provision not inconsistent with the Constitution of the United States. It follows, then, from these principles, that a State is a body of men united together for their common interest; the term imports sovereignty, and, in our Union, it imports that portion of sovereignty which has not been given to the General Government, and which resides with the people. When we speak, therefore, of admitting a State into the Union, we can mean nothing more than the admission of a community of people in whom the sovereign power resides, into another community of States, by which they voluntarily agree to refrain from the exercise of a certain portion of their power, whenever it is incompatible with the powers of the Union; in every other respect their power remains as it did before their admission. The admission of a State cannot enlarge the powers of a Union, though it may limit the exercise of the sovereignty in the State. The powers exerted by the General Government are in virtue of the authority vested in it by the Constitution; while the powers exerted by the State governments are in virtue of the sovereign power in the people. The interference of Congress can neither change the original compact of the Union, nor abridge the rights of the people. The moment a new State is admitted, the people advance to the enjoyment of the federal rights, and the General Government to the exercise of the federal powers, not in consequence of any new compact, but in virtue of the old compact in the Constitution of the United States, to which the people of the new State voluntarily submit and become parties when they are admitted into the Union. The General Government cannot alter this Constitution; they can only exercise the powers conferred by it. They cannot, therefore, deprive the people of a new State of any federal right, which, in relation to them, does not exist until their admission into the Union; the federal rights of the people, and the powers of Congress, spring into existence together. The powers of Congress are wholly independent of the nature or provisions of the State constitution, whatever that provision may be; they have an uncontrolled sway within their federal sphere; and, therefore, no new compact can be necessary to their operation. If, then, Congress can exercise no federal power until the State is admitted, and if upon that admission they can neither abridge nor augment the federal rights, by what authority can they interfere with municipal rights which form no part of the Constitution of the United States, but reside in the people? It cannot be

reasonably contended that the General Government can form a State constitution—if they cannot form it in the whole, they cannot form it in part. How can they make a constitution for the State when they could not make their own, and cannot alter it now that it has been made by the people and States? If the General Government can confer no municipal rights, it is because they neither possess any nor have the power to control them; and, if they cannot enlarge, it is impossible they can abridge them.

The powers of the General Government are purely federal; they are neither national nor municipal; the rights of the people, in their State governments, are both national and municipal. The jurisdiction of the Federal Government extends to the connexions, intercourse, and commerce of the Republic with foreign States and nations, and with each other as sovereign, independent States. But the administration of all their local concerns; the regulation of their domestic relations; the rights of property, together with the whole routine of municipal regulations, belong to the States and the people. Judge Tucker, in his commentary upon the Constitution of the United States, adopts this as the grand boundary, as marking the limits between the Federal and State jurisdictions: to the former he allots "jurisdiction in all cases arising under the political laws of the Confederacy, or such as relate to its general concerns with foreign nations, or to the several States, as members of the Confederacy; and to the latter, the cognizance of all matters of a civil nature, or such as properly belong to the head of municipal law, except in one or two instances which, being in derogation of the municipal jurisdiction of the several States, ought to be strictly construed."—1 vol. *Tuck. Black.* 178.

The only instances which now occur to me, in which the General Government possess any municipal power, are those to pass laws of bankruptcy and naturalization, and the right of securing to authors and inventors the use of their productions. In all other cases in which the exercise of the municipal powers of a State are abridged, it is by restricting their operation, both by the State and the General Government, as incompatible with some other power vested in the Union. I never before heard it contended, that the General Government could, in any manner, interfere with the local affairs of a State, or the rights of property of the people. Their power to do so is denied by every commentator who has undertaken to expound the Constitution. In the 2d volume of the *Federalist*, p. 82, it is said:

"The powers delegated by the proposed Constitution of the Federal Government, are few and defined. Those which are to remain to the State governments, are numerous and indefinite. The former will be exercised principally on external objects; as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and prop-

erties of the people, and the internal order, improvement, and prosperity of the State."

Judge Tucker, also, in another part of his commentary on that clause of the Constitution reserving to the States and the people all power not delegated, says:

"The Congress of the United States possess no power to regulate or interfere with the domestic concerns or police of any State; it belongs not to them to establish any rules respecting the rights of property."—*Tuck. Black.*, p. 315.

If, then, Congress possess no municipal powers, no power to interfere in the local concerns of a State, or to establish rules respecting the rights of property, by what mode of reasoning can they acquire any such power against the consent of those from whom it is to be wrested, or in any manner interfere with its exercise by the legitimate authority? If Missouri were admitted as a State, no such power could be exercised by the General Government; they are then attempting to force the people of a State to give them a power which the Constitution of the United States denies to them!

If, then, Congress can exercise no municipal power, the right to do so resides with the people; and, when they come to form a constitution, they exert it in the manner most conducive to their happiness. Congress can do no more than authorize the people to exert the power which is thus inherent in them. There is a manifest distinction between the existence of a right, and the exercise of that right. The right may remain dormant for any length of time, and so it does with the people of the Territory, until the permission of the General Government is given; then it is the right becomes active; but it is still the right of the people, and not of Congress. It is the sovereign power, which consists in the right to establish a public authority to order and direct the local affairs in relation to the end of the association. This authority includes their executive, legislative, and judiciary departments; the rights of life, liberty, and property; the course in which property may be transmitted; the manner in which debts may be recovered; the right of defining and punishing offences against society; and the establishment and regulation of all the domestic relations—husband and wife, parent and child, guardian and ward, master and servant. Could Congress, in authorizing a people to form a constitution, control any of these regulations, or modify either of the above relations? Could we prescribe the term of office of the Executive, or the mode of selecting or appointing the Legislature or Judiciary? Could we say that property should not descend to all the children equally, or not devisable by will? Could we define the marital rights, or establish certain relations between parent and child, guardian and ward, or master and servant? No one can pretend that we could, and for the plain reason that they are objects of municipal power, of which we are entirely destitute. The relation of master and slave is but a domestic relation, involving the right of property, and every legal consequence of

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such a relation. There are no rights growing out of the relation of master and servant, that do not attach to that of master and slave, excepting that the master may have greater power, and the slave fewer rights; but the rights of the master are, nevertheless, rights of property, and his obligations are, to use the property in conformity with the laws and municipal regulations of the State of which he is a member. It is a domestic relation in every State of the Union in which it exists, and the subject of their municipal power. I shall not stop to inquire into the moral nature of this relation, or the right of sovereign power to tolerate it, though I think it is apparent that the power to hold a man in slavery is the highest exercise of sovereignty; it is sufficient for this argument that it was a subsisting relation in these States; that the Constitution of the United States found it existing, recognised it as the subject of property, cognizable by the municipal jurisdiction of the State, and stipulated to guaranty both the property and the jurisdiction.

The Union itself is composed of States, and the Constitution formed by people tolerating slavery, and holding their slaves as subjects of property; and it never could have been their design to establish an authority competent to subvert this property. The General Government have recognised this relation as the subject of property, by accepting the transfer of territory from North Carolina, with an express stipulation that Congress should not even inhibit the toleration of slavery within it, while it remained under a Territorial form of government. The Constitution also recognises the right of property in slaves, by providing for their enumeration in the ratio of representation, and by constituting them the objects of taxation. A recurrence to the 54th number of the *Federalist* will show that this article was founded chiefly on the idea that slaves were property. It is there said expressly that "slaves are considered as property." It further recognises property in the slave, and also the authority of the municipal jurisdiction, in leaving the regulation of the States in this respect undisturbed, under which they are bought and sold, for payment of debts, as property, pass to executors and administrators as property, and its free enjoyment protected in the same manner as any other species of property. But, sir, the Constitution not only recognised property in slaves held at the time of its adoption, but it guaranteed the right of the people of the United States to import them from abroad for the period of twenty years. It not only refrained from disturbing the property existing, or with its natural increase, but it encouraged an accession to its numbers through the most odious channel. This very amendment treats it as property, since it deems the existing slaves as sacred, and speaks freedom only to their future progeny. So far the provisions of the Constitution are confined to the recognition of property in slaves, both in enjoyment and accumulation. But it does not stop here; it protects the enjoyment of the property against the encroachment of municipal jurisdiction. This is clearly inferable from the second section of the fourth article, which author-

izes an absconding slave to be reclaimed by his owner. This provision is a complete exposition of the whole spirit of the Constitution. It admits the right in each State to make its own regulations upon this species of property; to tolerate or abolish. Without this clause in the Constitution, it would have been in the power of each State to abolish slavery, and prevent the owner even of an absconding slave from claiming him as such. The probability that such a policy would be adopted in some of the States, suggested the necessity of this provision, and it therefore became one of the objects of the Constitution to protect this very species of property. All the power, therefore, in Congress, over the slaves legitimately brought here, is a protecting power for the benefit of the owner, and a protecting power merely against the conflicting policy of State regulations, of which it is the peculiar object. But the instant it is admitted to be property, it becomes the subject of municipal authority only, and is invested with all the rights and disabilities of property. It would be very difficult to assign a reason why the rights of the owner in this, more than in any other species of property, could be affected; and yet it is directly invaded by this amendment.

It first proposes to set free the issue of all the slaves now in Missouri, in the face of the treaty, which stipulates that the inhabitants shall be protected in the free enjoyment of their property; and it further interferes with the citizen of another State, in the use of the very property which the Constitution permitted him to acquire, and stipulated to protect, or at least not to destroy. If this restriction be not imposed, the citizen of the South would be permitted to remove to Missouri, and take his slaves with him, provided the municipal laws of that people did not prohibit him. But, as the Congress cannot destroy this right by a direct law, they propose to do it by an indirect assumption of power, in which is involved not merely a usurpation of the rights of the people of Missouri, but a violation of the guarantee of the rest of the States!

We have been referred, however, to the Declaration of Independence, as declaratory of the principles of the Constitution in this respect. I should scarcely have deemed this topic worthy of an answer, but for the confidence with which it has been reiterated in this debate. If the abstract principles contained in this memorable paper could possibly be supposed to have any reference to the condition of the black population in the United States, yet, as it preceded the adoption of the Constitution, their practical effect must depend altogether upon the positive provisions of that charter. But the truth is, sir, that the Declaration of Independence had no reference to those persons who were at that time held in slavery. It was pronounced by the freemen of the country, and not by slaves. No one pretended that they acquired any claim to freedom on this account; on the contrary, the Revolution found them in a state of servitude, the acknowledgment of our actual independence left them so, and the Constitution of the United States perpetuated their condition. The Declara-

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tion of Independence was the act of open resistance on the part of the white freemen of the colonies, against the pretensions of the mother country to govern them without their consent; to assert their inalienable right of self-government, and to alter or abolish it whenever it should be necessary to affect their safety and happiness. It was the resistance of freemen to the assumption of a power on the part of Great Britain, precisely similar to that which we are now endeavoring to impose upon the people of Missouri. It expressly asserts the principles that "all just powers of government are derived from the consent of the governed; and the right of the people to alter or abolish, and institute it anew, as to them shall seem most likely to effect their safety and happiness." I do not deny that the principles of the Declaration of Independence are those of the Constitution; on the contrary, I admit that they are those upon which all our institutions repose; they are those upon which the people of Missouri claim the right to make their own constitution, and resist the imposition of any species of government deriving its powers from any other source. But I contend that it never designed to assume or assert any principle whatsoever in regard to the slave population of the United States, and therefore that it cannot be used in this debate, either as declaratory of their rights or explanatory of the principles of the constitution and government in their behalf. It is unreasonable to assert the contrary, when every one knows that while the freemen of this country were openly resisting the usurpations of the British Crown, they did not relax in the slightest degree their hold upon the negro slave; and to him it was a matter of entire unconcern who should govern his master, as in all conditions his master would continue to govern him. I do not advocate the consistency of all this: I take things as I find them under our form of Government; though when we throw our eye towards St. Domingo, and reflect upon the scenes which ensued the heedless enthusiasm which characterized the French Revolution, we cannot fail to admire the cautious wisdom of our ancestors in not hazarding the great object of their struggle, by suddenly letting loose their unfortunate, though degraded, slave population. Besides, sir, the principles of the Declaration of Independence would not be satisfied by merely loosening the shackles of the slaves; they would assert not only the rights of a freeman, but an equality of those rights, civil and political. And where is the State in the Union in which the emancipated negro has been admitted to the enjoyment of equal rights with the white population? I know of none. In some, to be sure, their rights may be greater than in others; but in none, I believe, are they upon an equality. In the State which I have the honor in part to represent, it has been the settled uniform policy to preserve a marked and wide discrimination, and I am free to express a hope that the policy will never be abandoned. I am an enemy to slavery, but I should deprecate a policy assailing that discrimination which reason and nature have interposed between the white and black population. I forbear to press this part of the sub-

ject, sir: it presents many dark images, which it would be unbecoming in me here to express.

But, Mr. Chairman, the honorable mover of this resolution has said that we are not now enforcing the old compact of Union; but are to make a new one, with a new State, and he derived this power from the clause authorizing Congress to admit new States, though he did not take the trouble to deal much, in detail, upon this point.

I shall not deny that Congress have the power to make a contract, where the parties which it is to affect voluntarily enter into it, and where it is necessary in the exercise of the legitimate objects of the Government; but they cannot make a contract upon any subject beyond their delegated powers, nor can they make a contract which varies the original compact of Union, the essence of which is an equality of rights among the States. If, therefore, Congress possess no municipal powers under the Constitution, nor the power to control them in the States, they can acquire none by any new contract; for this would be to get more power than it was designed they should possess.

Sir, this argument of the honorable mover is a decided exposition of the broad nature of the power, and the weakness of his cause. If this restriction can be imposed only by contract, then it admits that the right is inherent in the people of Missouri; that we can only control it by contract with them; and, that if this contract is not acceded to by them, we have no power over it. By the contract, they are solicited to surrender a right which they would be at liberty to exercise, if not restrained by the contract; a right which we cannot exercise or interfere with, under the Constitution, without the contract. It follows, then, that, under such a contract, if it were completed, the people would have fewer rights, or you more power, than the Constitution confers. If such a doctrine could be tolerated, the General Government would be omnipotent. Sir, the fallacy of the argument is yet more apparent. You do not even propose, by this compact, to get the right of exercising a new power; for if the people of Missouri should agree to your terms, you could not take the power which you require them to surrender, since, by the Constitution, you could not use it, any more than you could any other branch of their municipal authority; it would not amount then to a stipulation, that the State should not exercise the power which, if they were to surrender, you could not employ. It would be not a grant, but an extinction of power—a complete annihilation, never again to be resumed. It is impossible, upon any known principle, that such a contract could be good, since it proposes to destroy an inalienable right in the people—a right to alter and abolish their constitution of government.

But, again, sir; it is necessary, for the validity of any compact, that the parties should be both able and willing to contract. If it is not their voluntary act, it is not binding; it is an usurpation upon the unwilling party. Then, here is a right in the people of Missouri to insert, or not, this provision in their constitution of State government; it is not incompatible with your powers; it depends wholly upon their sovereign will and pleasure to

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put it in, or leave it out, and to modify it, in this respect, at any future day; you desire, however, to have it in, and to guard against its revocation; you can only accomplish this by a contract, into which the people must voluntarily enter. But they refuse to make the contract; they say they are desirous to retain this right; they will not give it up. What, then, becomes of the idea of compact? Can you force them to agree to your terms? No: then what is your remedy? In ordinary cases, it would be to refuse to admit the State, until the constitution should be conformed to your views; and even this would resemble, very much, the exercise of force, by withholding immunities to which, according to the policy of the Government, they would have a strong claim; but then the provisions of their constitution would not be unalterable, and you could not make them so. But what is your power or remedy when this discretion to admit, or reject, is taken away? I know of none, consistent with the obligations of good faith. I have shown you that you have already made one contract with these people; I refer to the treaty, and the acts of Congress under it; and that, by the terms of this contract, you have bound yourselves to admit them into the Union, with rights equal to those retained by the people of the other States. Is not that compact as solemn as any that could now be made? These people have fulfilled their part of the contract; you have enjoyed all the rights and advantages secured to you under it, and they come now and demand the performance of your part. What is the language you employ? You say, it is true we have made this contract with you, but it turns out to be, in the view of a part of the country, a hard bargain; it secures to you more rights, and allows us less discretion, than we are willing to submit to; and, unless you will now consent to change its terms, and enter into a new compact, by which you are to have fewer rights than the citizens of any other State, we will violate our faith! We have agreed to admit you as a State; but, unless you consent to be less than a State, we will do nothing! We will have nothing to say to you, unless you will now bind yourselves and your posterity, by an irrevocable ordinance, to let us make your constitution in abridgment of your own rights; which shall be unalterable in all future times. Sir, as between individuals, such a case would require only to be stated, to expose its fallacy and injustice; and I can acknowledge no different principles between States, more especially where your want of good faith infuses the spirit of jealousy into the minds of your citizens, and weakens the great rock, of confidence in your justice, upon which the power of this Union reposes!

But the ordinance of 1787, has been referred to, and confidently relied upon, by the honorable gentleman from Pennsylvania, (Mr. HEMPHILL,) as illustrative of his idea of compact, and the power of Congress in this respect. The cases are entirely dissimilar. I shall not detain you, Mr. Chairman, with a repetition of the arguments so often urged, with great ability and with much success, against the legality of this ordinance; I shall content my-

self with showing its inapplicability, in fact or principle, to the case now under our consideration. We have now nothing to do either with the principles of that ordinance or the authority by which it was established. The people of Missouri do not claim to be admitted according to the principles of either; but they demand admission according to the terms of the treaty and the principles of the present Constitution.

This ordinance was the act of the old Confederation; and whatever power they may have had to acquire the ceded territory, it is admitted, on all hands, that they possessed no authority to establish a territorial form of government, or to admit new States without the consent of nine of the States composing the old Confederacy. The territory northwest of the river Ohio to which the ordinance was applied, was ceded by Virginia; it was, at the time of its cession, uninhabited, excepting by a few French and Canadian settlers, who held slaves; after its acquisition by the old Confederacy, it was discovered that they had no power to govern it, without the consent of the State by whom it was ceded; they, therefore, framed the ordinance of 1787, providing for its erection into States, and for the prohibition of involuntary servitude. This ordinance was to be in the nature of a compact, between the States ceding it, the United States, and the people of the territories; it became necessary, therefore, to obtain the consent of the State of Virginia to the ordinance, which she gave by her act passed the 30th of December, 1788; and in this manner the ordinance of 1787 may be considered as forming the terms of the cession by the State of Virginia. The French and Canadian inhabitants there, at the time of the cession, were not affected by the ordinance; they continued to hold their slaves, the issue of which are held by their posterity to the present day. This ordinance was considered doubtful, until the adoption of the present Constitution, by the 1st clause of 6th article of which it was supposed to be confirmed.

But this confirmation shows it to be in the nature of a compact, and not a law; a compact voluntarily entered into by all the parties connected with it; not incorporated in the present Constitution as a grant of power, or explanatory of its principles; but merely sanctioned by a single clause, providing for the validity of contracts. It was a contract made by the party ceding the territory; it did not propose to affect the rights of persons residing there; it was to operate as a contract upon those who should subsequently remove thither; such persons, therefore, went under this ordinance; they voluntarily became parties to it; and such only settled there as were willing to live without slaves, and subject to the terms of the compact. In this manner the country became settled by a non-slaveholding population, and when they came to make their constitution and State governments, they voluntarily framed them according to their own feelings and habits. Beyond this, I deny that there was any binding force in this ordinance. It was not competent for it to take away the right of altering the constitutions, though it is a right existing in theory merely, as the in-

terests of the people will no doubt always prevent any alteration in this respect. If the same policy had been pursued by Congress in respect to the Territory of Louisiana, from the date of its acquisition, a similar effect would have been produced, and all the unpleasant convulsions to which the present attempt to usurp power is likely to give rise, would have been prevented.

So far, then, as this famous ordinance is good for any thing, it is good only in the nature of a contract; it is so treated by every gentleman who has noticed it in debate; and a contract made before the present Constitution, and applicable to a particular territory, by the consent of the power ceding it. It has, then, clearly performed its office; it is *functus officio*; it applies to no other territory either in fact or principle. It does not follow, that, because the old Confederation concluded a contract, which the people of the United States subsequently confirmed, that therefore the present Congress can make a similar contract, enlarging their own powers, without the same sanction of the people of the United States, who have yet delegated no such authority.

But here the people of Missouri have a contract also, though it is one of a very different nature from that of the ordinance of 1787. Their contract stipulates for their admission to the enjoyment of equal rights, immunities, and advantages, of citizens of the United States, and the restriction proposed can only be enforced by compact, independent of the Constitution. We say to them, that, unless they will agree to tack the ordinance of 1787 to the treaty, whose provisions will thereby be entirely varied, we will violate its terms, or disregard them. What would have been said, if we had insisted upon similar concessions by the States formed out of the territory ceded by North Carolina, which were also admitted according to the terms of the contract of cession? We have as little right to insist upon them in regard to the people of Missouri as we had to dictate them to those States. It is in both cases a violation of good faith. Under this treaty we accepted a territory in which slavery existed, and rights of property recognised by the government ceding it. We stipulated to protect the enjoyment of that property. We have encouraged emigration of the free citizens of the United States thither by our whole course of policy. We have in no instance attempted to interdict the transportation of slaves there, excepting by a law which lived but a year and was then repealed; this law prevented their introduction there for sale merely; it permitted, and thereby encouraged, their introduction by persons removing into the territory to settle. In this way, under our own auspices, this species of property has been acquired, and we now attempt, in the face of our own acts, and in defiance of the treaty, not only to force the people of Missouri to give up their right to form their constitution, in regard to the future introduction of slaves by persons going there to live, but also to annihilate all the rights already acquired; we force them to do what we never thought it prudent ourselves to attempt, even when we had the power!

No little reliance has also been placed, by the honorable mover, upon the clause in the Constitution, vesting in Congress a power to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States.

I do not propose to enter minutely into the inquiry whether the power of Congress to establish a territorial government is derived from this clause. I incline to the opinion that it is not. The power here conferred is a power to dispose of and make needful rules respecting the property of the United States. It was designed, I think, to authorize the sale of the land for purposes of revenue, and all regulations which might be deemed necessary for its proper disposition; or to convert it to other public objects disconnected with sale or revenue; to retain this power, even after the Territory had assumed a State government, and perhaps to divest from the State government the right of taxing it, as it would do the property of individuals. It is silent as to the people, and their slaves are the property of their owners, and not of the Government. The right to govern a territory is clearly incident to the right of acquiring it. It would be absurd to say that any Government might purchase a territory with a population, and not have the power to give them laws; but, from whatever source the power is derivable, I admit it to be plenary, so long as it remains in a condition of territorial dependence, but no longer. I am willing at any time to exercise this power. I regret that it has not been done sooner. But, though Congress can give laws to a Territory, it cannot prescribe them to a State. The condition of the people of a Territory is to be governed by others; of a State to govern themselves. This is the great favor we permit them to enjoy when we exalt them to the character of a State. The instant we authorize them to form their constitution, the territorial disabilities, and the powers of Congress over them, crumble together in the dust. A new being, and a new relation spring up; the State authority, derived from the just power of the people, takes its place; every feature of the territorial authority becomes effaced, and the federal powers of Congress, encircling a State, commence their operation. There is nothing of territorial disability on the one hand, or territorial authority on the other, which passes into the new order of things; if they did, the State would be incomplete.

But, Mr. Chairman, the honorable mover also relied very confidently on the ninth section of the first article of the Constitution, which provides that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." It is said that this clause invests Congress with the power of prohibiting the removal of slaves from one State of the Union to another; but, if it had not been for the seriousness and sincerity with which it has been pressed by the honorable gentleman from Pennsylvania, (Mr. HEMPHILL,) I should have

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deemed it worthy of but a very few remarks. It now deserves a close examination.

It is apparent, and indeed is admitted by all, that this clause contains no grant of power, but restricts for a limited period the exercise of an existing power. And also that the power, whatever it may be, is now the same over the old as the new States. Unless, therefore, Congress possesses the power, by some other provision in the Constitution, to inhibit the removal of slaves from one State into another, this clause cannot refer to that description of persons, or to that mode of removal. Conceding, for the sake of argument, the full import of this clause, I cannot conceive of any thing more destitute of weight in this matter. For, suppose Congress to possess the power to prohibit the carrying of slaves from one State into another, it is a power merely of legislation, for they have no other than legislative powers. They would be obliged to exercise it by a law, and could do so, as well after the State should be admitted as before. The power in Congress to legislate upon this subject confers no authority to compel the people of Missouri to put the provision into their constitution; but should be exercised whenever circumstances required it, without reference to the acts of the State. Besides, no legislative act of this description could be, in its nature, irrevocable; but here is an expedient to convert a power of legislation in the ordinary way, into a constitution-making power, with the dangerous novelty of making it unalterable! The very attempt to compel the surrender of their rights, in this respect, from the people of Missouri, is in itself conclusive, that gentlemen who rely upon this clause, are themselves aware that even the legislative power does not exist. Nor does it exist, sir.

The honorable gentleman from Pennsylvania (Mr. HEMPHILL) admits that he must find the power in some other part of the Constitution; and he says it is contained in the clause authorizing Congress "to regulate commerce among the several States." He supposes the authority to prevent the importation of slaves from abroad is derived from the power to "regulate commerce with foreign nations;" and that, therefore, the authority to prevent the "migration of them from one State to another," is derived from the similar power in relation to the internal commerce. But the gentleman must not only be correct in this position, but he must additionally show that the word "migration" applies to slaves at all, and also to their removal from State to State, to sustain his argument. He is correct in neither. The power to prohibit the "importation" of slaves from foreign countries is not derived from the clause to regulate commerce with foreign nations. If it were, the prohibition could only be made where the slaves were brought into the United States in the way of commerce; it would confer no power to prevent a Canadian, or inhabitant of Florida, from moving over the line with his family, and settling on a farm for agricultural purposes merely.

I derive the authority from a much more extensive source—from the general unlimited power in the Federal Government to regulate all our con-

cerns and intercourse whatsoever with foreign nations, and prohibit the coming in as well of freemen as slaves for any purpose or in any manner, whenever the public exigencies of the country render it advisable. But, though the right of prohibiting the importation of slaves from abroad should be inferred from the power to regulate commerce with foreign nations, it does not follow that the right to prevent their removal from State to State would be derived from the power to regulate commerce "among the several States." The phraseology of this clause is different—the regulation is to be "among the several States." Congress have no right to make any regulation which applies only to one or two States; it must be general among the whole; all must share the advantages or disadvantages of the regulation, whatever they may be. Partial regulations of commerce was precisely the evil which the power vested in the Congress was intended to guard against. It was easily foreseen, if the commercial intercourse between State and State were left to the State authorities, that, by means of local regulations, or improper contributions levied on the transportation of merchandise through its territory, any one State might materially interfere with the legitimate commerce of another; these would naturally lead to counteracting measures by the other State, and, in this manner, combinations and collisions, ruinous to the interests of all, would follow.

The prevention of these evils was the principal object of giving the power to the General Government.* It is a power in a common Government, for a common benefit; and the same regulation must be applied to all the States equally. It was intended to secure to the citizens of every State the right of carrying their merchandise when and wheresoever their interests dictated, without interruption from the conflicting views of any other State; it could never have been the design to prohibit entirely the carrying of merchandise from one State, or from any of the States, into one particular State. Such an idea is at once repelled by the fifth paragraph of the ninth section of the first article, which provides that "no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." As connected with this part of the subject, it is to be remembered, that the power is to "regulate commerce," not to abolish or prohibit it altogether. I will not deny that Congress may, when any public occasion requires it, suspend the commercial intercourse "among the several States" for a limited time, but I do insist, that any law which should prohibit it forever would be unconstitutional. Will any gentleman contend that Congress have power to say that the State of Georgia should never hereafter send rice, which is clearly an article of commerce, into the State of Missouri, or compel the people of the latter State to agree, by an irrevocable ordinance, never to admit the article of rice to be received into her State from any other part of the Union? And if the power to prohibit the removal of slaves depends

* See the 42d number of the *Federalist*.

upon the right to regulate commerce, it must be because they are articles of commerce; and, therefore, like every other article of a commercial nature. Again, sir, the power to regulate commerce must apply only to an intercourse purely commercial, and to articles used and transported in the way of commerce. All articles of household furniture, and implements of agriculture, may be used in the way of commerce; they are so when they are bought and sold, or carried about for sale; but they cannot be so considered when they are carried by their proprietor for his own use, when he pleases to remove from one State into another; such a removal would form no part of the commerce among the States. Nor will it, I apprehend, be pretended that the General Government could, in such a case, prevent the removal; because the Constitution secures him equal privileges in every State; and they would have as little power to prevent him from taking his property with him, under the pretence of regulating "commerce among the several States." The right of removing necessarily includes the right of carrying one's family and property with him. Sir, the slave is in no greater degree an article of commerce, when his owner, in his transit from one State into another for agricultural purposes, takes him, as a part of his property, to assist in working his land, than any other member of his family, or any other article of his property. He does not carry him as an article of commerce; there is no buying or selling in the case. This amendment, however, applies to this as well as the instances of transportation for purposes of sale. But, sir, the honorable gentleman from Pennsylvania is obliged to admit that the term "importation" cannot apply to intercourse between the States; since a tax or duty may be imposed on such importation, and the Constitution expressly provides, that "no tax or duty shall be laid on articles exported from any State." Now, sir, importation may be by land as well as by water; and you could not, at any period, either before or after the year 1808, impose any tax upon the exportation from a State. The gentleman's argument, then, involves him in this inconsistency—that though Congress cannot at any time impose any duty on articles exported from any State, they may prevent their exportation altogether; or that, though you have the power to prevent the transportation of slaves from State to State by land, you have no power whatsoever over them if carried by water; or that, though importation and migration both be means of carrying on commerce, yet, under the general power to regulate that commerce, you may abolish one but not the other! Again, sir, it has never been denied that the power in Congress to regulate commerce is an exclusive power—the States cannot exercise it; and, therefore, if the right to prevent the removal of slaves from one State to another is a part of this power, it must of course be exclusive. And yet, sir, we see that all the States have constantly made their own regulations upon this subject. I have already shown you, that the Constitution of the United States expressly recognises their right to do so; their uniform practice has given a contempora-

neous construction to the instrument, by exercising the power ever since its adoption; and if a contrary doctrine should now prevail, all those slaves who have been hitherto declared free, by reason of a violation of any State regulation, are yet slaves, and may be reclaimed by their owners! But it is impossible that such a doctrine can ever prevail.

It appears to me, then, Mr. Chairman, that the right contended for cannot be derived from the power to regulate commerce among the several States; and therefore that the power, which was restrained until the year 1808, was that of preventing the migration or importation of persons from foreign countries only. It would be very immaterial, in the present argument, whether the word persons related to slaves only, or to freemen as well as slaves; I believe, however, it relates to both.

In a just interpretation of this clause, we are bound to assign to each word a distinct meaning, to suppose that each had a definite object, and that neither was used unnecessarily. If both "migration" and "importation" be applied to slaves, one would be wholly useless. The word "importation" would embrace every possible means by which slaves could be introduced into the country against their will, as it would every means by which they could be removed from one State into another. We see, moreover, that, upon the importation only, the imposition of a tax or duty is authorized, and, if slaves can migrate at all, they do so as well when coming hither from a foreign country, as in going from State to State, and it is therefore unreasonable to suppose that while it was the evident policy and intention to prevent their coming in at all, the "importation" only would be obstructed, and their "migration" left free and unrestricted.

But, sir, the word "migration" cannot apply to the forcible or involuntary removal of a slave from any State, foreign or domestic. It is the voluntary act of a free agent; and a slave has no such will, and is no such agent; he is subject to the will of a master, by whom all his actions are controlled. It is, moreover, a right, so defined by all the best writers on the subject; it is the right of quitting one's country, and of going into another in the pursuit of wealth and happiness, and, according to the principles of our republican form of government, it is inalienable. But, will it be pretended that the slave has any such right, when we have seen that, in the only instance in which he voluntarily leaves his master's service, he is compelled, in defiance of all the municipal regulations of other States, to be reclaimed? No, sir, he has no such right; he never changes his residence, but under the compulsion of a power he dare not resist. It is no exercise of a right, when the unhappy slave is taken by his owner from place to place—he obeys a hard fate which he cannot control, and he can, with no more propriety, be said to migrate, than the exile who is driven from his family and home, into involuntary banishment.

The term "migration," as here used, is also a general one, and has relation to the government by which it is to be controlled. Its true meaning is that of quitting their own country, and of removing beyond the jurisdiction of the Government;

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its meaning is precise and technical. Therefore, though a man may change his residence, so long as he remains under the Government of the United States, he does not migrate, in the sense of the Constitution. When a man removes from one county to another of the same State, he cannot be said to have migrated in relation to that State, nor can he be said to migrate in relation to the United States, when he removes from one State to another in the Union. He is still in the same country, still under the same jurisdiction and laws, enjoying equal rights, and liable to the same obligations; he is still a citizen, nay, an inhabitant of the United States, and the protecting arm of the Constitution shields and conducts him wherever he goes; he is not an emigrant, until he has turned his back upon his country, and quitted its jurisdiction.

But, Mr. Chairman, if the words, as used, be in any degree ambiguous, we are bound to consider the circumstances under which the Constitution was adopted, and the object which was to be effected by the restrictive clause. It is clear that the General Government possessed the power, under the Constitution, to restrict the "importation" of slaves from abroad, either as incident to their general powers, or to the particular power to regulate commerce with foreign nations. It is, in my opinion, equally clear that they also possessed the power of prohibiting the migration of foreign freemen, under particular circumstances. It has been already shown that all our intercourse with foreign nations is peculiarly under the control of the General Government, to which the right of regulating or preventing foreign emigration is necessarily incident; if it were otherwise, any single State, by opening its ports to foreign emigration, might let in a population to any extent, and against the evident policy and interests of all the others. At the adoption of the Constitution, however, the States being in their infancy, it was their policy to encourage emigration from abroad, and, as its interruption has been one of the causes of complaint against the British Government, it was natural that the powers of the Federal Government should be placed under some restraint in this respect.

The year 1808, was, I imagine, agreed upon, in consequence of the compromise upon the other point. A consideration of the object of the compromise will leave no room for doubt. It related to the increase of population, either of freemen or slaves, from abroad. The Constitution had provided, that three-fifths of the slave population should be enumerated in the ratio of representation, which would have been constantly augmenting, by the importation from abroad, beyond the natural increase of this species of population, and it became, therefore, a matter of compromise, upon the mere point of time, for which the importation should be tolerated. But this concession could not have been made without a similar license to the emigration of free persons in favor of the northern and non-slaveholding States, and thus the affair was adjusted by allowing the same period to each. The essence of this compromise being entirely an affair of time, leaves no doubt as to its meaning. It was to prevent the premature as-

cendency in the South, by an undue increase of this population, an object which would have been as effectually promoted by the dispersion of the slaves among the other States, as by inhibiting their introduction from abroad, for, in case of their diffusion, the North would acquire their share of the numbers, and so the representation would be equalized.

That this clause had no sort of reference to a power to prevent the removal of slaves from State to State is further evident, from the important consideration that, previous to the adoption of the Constitution, each State itself possessed the undoubted authority to prohibit the bringing of slaves from any other State. It is, therefore, extremely improbable that, with all the jealousy and hostility of the Northern States upon this subject, they should have called in the aid of the General Government to accomplish what they could do without it, and thus weaken their own power, by confiding it to councils who had an interest in encouraging what they desired to abolish. It is impossible, sir, to resist this construction, when in aid of it, are arrayed the acts and practice of all the States, from the establishment of the General Government up to the present day. Sir, it is a power which can be safely exerted only by the individual States themselves; they never will, and never ought to submit to its exercise by the General Government.

Mr. Chairman, having consumed so much of the time of the Committee in the Constitutional question, I have not the power, if I possessed the inclination, to enter into a consideration of the expediency of this amendment. It is sufficient for me to know that the Constitution forbids me to adopt it, though I am free to acknowledge that the establishment of a precedent for interfering in the formation of State constitutions is of a very dangerous character. But surely, sir, our right ought to be very clear, before we pursue it in a case like the present. It involves consequences of too serious a nature to be hazarded upon a doubtful power. It is worse than an attempt to legislate in a case in which your power was ambiguous, and in which your authority could be examined, and sustained, or overruled, by the judicial tribunals of the nation, which are the common arbiters of us all. It forces an odious measure upon an unwilling people, in a form which leaves them no redress in any pacific course. If they do not tamely submit to the restriction, you must either ignominiously abandon or impose it by force. Impose it, sir! No. But make the hazardous attempt to enforce its imposition. I will not enumerate the effects of such a conflict. I pray Heaven it may never happen; but I will say that, in my opinion, the object is not worth the conflict.

Sir, I invite gentlemen to look at the present state of the public councils, and consider whether they do not hazard their whole object by persisting in a measure so repugnant to the ardent feelings of at least one moiety of this Empire, and so much opposed to the Constitutional views of many of the friends of the avowed policy. It is a consideration to which a statesman is bound to look.

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If actuated by motives of humanity and the public peace, he would be criminal to disregard it. We see it ascertained, beyond doubt, that the Senate will not consent to this restriction; and that, if we persist in it, they will not unite, even in any Territorial regulation. The introduction of slaves into the Western country will remain free. Those who desire to send this property there for sale will be stimulated to do so without delay; the market there will rise in apprehension of the future acts of Congress; dealers and settlers will take advantage of it; and thus slavery will become too deeply rooted to yield to any means of extirpation which future councils may employ. In the meantime, too, public excitement increases; evil men seize upon the occasion to promote their designs; local prejudices spring up; and the spirit of jealousy and discord is raised in all parts of the country, which they who engender will be wholly unable to allay or direct. But if, consulting the present state of things, gentlemen will yield something to a spirit of harmony and mutual interests, we may now put this unpleasant subject to sleep forever. The people of Missouri will enter the Union with their rights unimpaired, and their feeling undisturbed; devoted to your institutions, and inspired with full confidence in your justice and generosity. The territorial soil will then be unpolluted with slavery. Its introduction in regard to that being prohibited, much the largest portion of the Western world will be peopled by a population unfriendly to slavery; and when they come to frame their State constitutions, preparatory to their future admission into the Union, they will voluntarily form them in conformity with their habits and principles. For, I desire to be understood as denying the authority of Congress to make any regulation for a Territory, which can be binding upon the people against their consent, when they come to make their constitution, and after their admission into the Union. I sanctify no irrevocable ordinances; but their Territorial regulations will accomplish the object, by creating a population whose interests it will be voluntarily to adopt the restriction. In this way, too, Missouri will be seated in the midst of non-slaveholding States, and the force of public sentiment will soon lead to the emancipation of her present slave population. For the accomplishment of all these objects, gentlemen are called upon merely to abstain from the assumption of a doubtful power over a resisting people.

Mr. Chairman, the Union of these States is the production of the spirit of harmony and compromise. Do we remember how much our fathers surrendered to compose, and shall we refuse to surrender any thing to preserve it? It was founded in common confidence and for common benefits; it must be cherished by a common affection and forbearance, or it will scarcely survive the hands which planted it. The founders of this Union had their own advantage and the welfare of their children to recommend its adoption; we have our interests, the welfare of our posterity, and the duty we owe to those who transmitted it to us to perpetuate its blessings. Shall it be said that we will

not sacrifice one prejudice on the altar of the Union for its preservation, when they offered up thousands to rear it? They not only tolerated the existing slavery, but, in the spirit of mutual compromise, consented to its augmentation from abroad for twenty years! We are only required to leave undisturbed that which they entailed upon us; nay, sir, we are merely required to abstain from encroaching upon the rights of the people, and, in doing so, multiply the chances of emancipation, and meliorate the condition of the slave.

Sir, if the cause of this restriction upon the people of Missouri is deaf to all these considerations, and stubbornly sacrifices all rather than yield a part, I pronounce it an unholy and an unprofitable cause. It carries no peace to the bosom of the enslaved African now on your shores; it neither casts off his fetters nor lightens his burden. Pass this restriction, and his chains are rivetted as tight as ever; his doom is fixed as irrevocably; nay, more so than before. It may serve, however, Mr. Chairman, to foment political cabals, and promote the unhallowed views of the ambitious and designing. I do not say that such was its object in its origin; I am sure it was not; and I do not believe there is any gentleman on this floor who could be the tool in such an intrigue. But may there not be men out of this House who would avail themselves of such a state of public excitement to accomplish the possession of power? Sir, may there not be men out of this House who are now adding to the impetus which this subject has received for such a purpose. Gentlemen will remember that the objects of an ambitious man are generally more than half accomplished before he is willing to avow them. I will not say that there are such, but I will say, if there are, they are unworthy of any public trust in this nation. Nor, sir, will they have much reason to rejoice in their triumph should they be successful. No political power can be permanent in this country which shall be founded on local jealousy and geographical distinction. Public honors, to be durable, must be won by public services and distinguished merit; they must be sought through the affectionate confidence of a virtuous and intelligent community; they must be the offspring of public gratitude for public worth. Power acquired in any other way will not be worth possessing. He who acquires it by these divisions and distinctions will not lie upon a bed of roses; his honors will be worn by a fretful if not a criminal brow, and in the midst of a discontented and distracted empire. He will come to the councils of a people disordered by intestine feuds, with feelings embittered by the recollection of domestic strife; his triumph would be as evanescent as uncomfortable. I repeat it, sir, that it will be well for gentlemen to consider whether there are not men who will not take advantage of the present agitation to engender all this mischief. Sir, if there should be one such, it is our duty to defeat his machinations; he is unworthy our confidence; sir, he sits a cormorant in the tree of life,

“— devising death
To them who live.”

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When Mr. McLANE had concluded—

Mr. CLAY (Speaker) rose and expressed a wish to address the Committee on the highly important question before it; but the lateness of the hour prevented his asking its attention this afternoon; and he therefore moved that the Committee rise.

The Committee then rose, and obtained leave to sit again.

TUESDAY, February 8.

The SPEAKER laid before the House a report of the Secretary of State, of the persons appointed to publish the acts, resolutions, and treaties, passed and ratified during the fourteenth and fifteenth Congresses, and such as may be passed and ratified during the present session, together with the names of their respective newspapers, and the places where they are printed, with the expense thereof; which was ordered to lie on the table.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom have been referred the petition and documents of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney, made report thereon, accompanied with a bill for their relief; which was read twice, and committed to a Committee of Whole to-morrow.

Mr. CAMPBELL, from the same committee, also reported a bill to revive the powers of the Commissioners for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, and to provide for the adjustment of claims to lands within the Territory of Michigan; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ANDERSON, from the Committee on the Public Lands, to whom was referred the petition of Margaret Hall, late Margaret McKenzie, reported a bill for her relief; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. LOWNDES, from the Committee on Foreign Relations, to whom was referred the Message from the President of the United States, of the 24th of December last, recommending to the consideration of Congress the case of the Danish brigantine Henrick and her cargo, made report thereon adverse to the allowance of the claim; which was read, and committed to a Committee of the Whole to-morrow.

Bills from the Senate, of the following titles, to wit "An act to continue in force the act passed on the 20th day of April, 1818, entitled 'An act supplementary to the act, entitled an act to regulate the collection of duties on imports and tonnage,' passed the second day of March, 1799," and "An act to remit the duties on a statute of George Washington," were severally read twice, and referred to the Committee of Ways and Means.

The bill from the Senate, entitled "An act for the relief of Jennings O'Bannon," was read the first and second time, and committed to a Committee of the Whole to-morrow.

Mr. H. NELSON called for the consideration of the resolution which he moved yesterday, to dispense with all other business pending the question on the admission of Missouri into the Union; and

proceeded to support this course by some remarks on the magnitude of this question, pregnant, as he believed, with the fate of the Union, and the issue of which the people, of the South and West, particularly, awaited with the deepest anxiety; but, the yeas and nays being ordered, on motion of Mr. TAYLOR, on the question of considering the resolution—

Mr. NELSON rose and withdrew the resolution, with the avowal that he would offer it on to-morrow—not wishing at present to prevent the House from resuming the immediate consideration of the Missouri question, for which it appeared prepared.

MISSOURI BILL.

The House then went into a Committee of the Whole, on this bill—the restrictive amendment being still under consideration.

Mr. CLAY (Speaker) rose and addressed the Committee nearly four hours against the right and expediency of the proposed restriction.

The Committee then rose, on the motion of Mr. SERGEANT (who, according to the usage, has priority of claim to the floor to-morrow;) and the House adjourned.

WEDNESDAY, February 9.

On motion of Mr. ROSS, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the federal courts, for the Ohio district, to hold their future sessions at Columbus, the seat of government, instead of Chillicothe.

Mr. HERRICK submitted the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the appointment of Commissioners to view, survey, and mark a road, as a continuation of the national road, from Wheeling to the seat of government of the State of Ohio, thence to the contemplated seat of government of the State of Illinois, and thence to St. Charles, on the Missouri, on the nearest and best ground.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the survey of the public lands through which the said road may pass, and authorize the appropriation of the proceeds arising from the sale of each unappropriated section through which it may pass, to the opening and improving of the same.

The question was then stated, "Will the House now proceed to consider the said resolution?" and, being put, it was determined in the negative.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit:

An act for altering the times for holding the court of the United States for the western district of Pennsylvania; An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef;

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in which bills they ask the concurrence of this House.

Mr. H. NELSON called for the consideration of the resolution offered by him on Monday, in substance to suspend all other business of the House, pending the consideration of the question (now under discussion) concerning the admission of Missouri into the Union with or without restriction—but the House refused, by a large majority, to consider the resolution.

SLAVERY IN THE TERRITORIES.

Mr. Foot submitted the following resolutions, viz :

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be neither slavery nor involuntary servitude in any of the territories of the United States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted : Provided, That this shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territories.

Resolved, That it be, and it is hereby, recommended to the inhabitants of the several territories of the United States, that, for the purpose of effectually preventing the further extension of slavery, each territory, when authorized by Congress to form a constitution and State government, shall, by express provision in their constitution, prohibit involuntary servitude or slavery, otherwise than in the punishment of crimes.

Mr. NELSON, of Virginia, moved that the resolution be committed to the Committee of the Whole, which was now considering the Missouri bill. It was entitled to serious consideration, as it affected the important question now under discussion. He conceived this not the proper mode of bringing up the question ; it should be in the usual form of an act, which should go through the several forms, while, as a resolution, introduced to-day to be decided to-morrow, it would not afford an opportunity for discussing its merits.

Mr. Foot observed, in support of his resolutions, that it was well known to the House that the Senate had decided, (on the 2d day of February,) by a majority of almost two-thirds of that body, that the proposed restriction should not be inserted in the "bill to provide for the admission of Missouri into the Union ;" that the House of Representatives have already consumed two weeks in discussing the same question ; that further discussion would be a useless waste of time and money, as the expenses of Congress exceeded \$2,000 per day ; that no possible good could result from the discussion ; that Constitutional doubts on the subject were insuperable. He further remarked, that his object in proposing the resolutions was to prevent a further discussion, to relieve the subject from Constitutional doubts, and to afford the friends of restriction an opportunity to prevent the further extension of slavery in all the territories over which Congress had an undoubted right to legislate, and which, in his opinion, would more effectually prevent the extension of slavery than the restriction proposed in the bill, because, if slaves were excluded during the settlement of a territory, it would never be permitted when the territory should become

a State, and instanced particularly Ohio, Indiana, and Illinois ; and closed his remarks by observing, no man detests slavery more than I do ; few of the members of this House, and perhaps not one, have seen slavery in its most hideous forms. I, sir, have seen the miserable Africans on board the slave ship, and landed, and sold in market like beasts, and cruelly lacerated by their inhuman negro drivers, in the West Indies ; and, sir, no gentleman would go further to prevent the inhuman traffic, or the extension of the evil, if I could believe Congress possessed the power ; but, sir, we should remember, our power is delegated power ; and if the Constitution does not give us this power, we do not possess it.

Mr. RHEA hoped the resolutions would be laid on the table until the great question now before the Committee should be decided. Gentlemen were determined to discuss it, and decide upon it ; and he hoped no proposition would be received to interfere with that discussion. Mr. R.'s motion to lay the resolutions on the table prevailed ; and they were laid on the table accordingly.

THE MISSOURI BILL.

The House then resumed, in Committee of the Whole, the consideration of this bill, and the restrictive amendment proposed thereto.

Mr. SERGEANT, of Pennsylvania, addressed the Chair as follows : The important question now before the Committee has already engaged the best talents and commanded the deepest attention of the nation. What the people strongly feel, it is natural that they should freely express ; and whether this is done by pamphlets and essays, by the resolutions of meetings of citizens, or by the votes of State Legislatures, it is equally legitimate, and entitled to respect as the voice of the public upon a great and interesting public measure. The free expression of opinion is one of the rights guaranteed by the Constitution, and, in a Government like ours, it is an invaluable right. It has not, therefore, been without some surprise and concern that I have heard it complained of, and even censured, in this debate. One member suggests to us that, in the excitement which prevails, he discerns the efforts of what he has termed an "expiring party," aiming to re-establish itself in the possession of power, and has spoken of a "juggler behind the scene." He surely has not reflected upon the magnitude of the principle contended for, or he would have perceived at once the utter insignificance of all objects of factious and party contest when compared with the mighty interests it involves. It concerns ages to come, and millions to be born. We, who are here, our dissensions and conflicts, are nothing, absolutely nothing, in the comparison ; and I cannot well conceive that any man who is capable of raising his view to the elevation of this great question could suddenly bring it down to the low and paltry consideration of party interests and party motives.

Another member, (Mr. McLANE,) taking indeed a more liberal ground, has warned us against ambitious and designing men, who, he thinks, will always be ready to avail themselves of occasions

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of popular excitement, to mount into power upon the ruin of our Government, and the destruction of our liberties. Sir, I am not afraid of what is called popular excitement—all history teaches us that revolutions are not the work of men, but of time and circumstances, and a long train of preparation. Men do not produce them; they are brought on by corruption; they are generated in the quiet and stillness of apathy, and to my mind nothing could present a more frightful indication than public indifference to such a question as this. It is not by vigorously maintaining great moral and political principles, in their purity, that we incur the danger. If gentlemen are sincerely desirous to perpetuate the blessings of that free Constitution under which we live, I would advise them to apply their exertions to the preservation of public and private virtue, upon which its existence, I had almost said, entirely depends. As long as this is preserved we have nothing to fear. When this shall be lost; when luxury, and vice, and corruption, shall have usurped its place, then, indeed, a Government resting upon the people for its support must totter and decay, or yield to the designs of ambitious and aspiring men.

Another member, the gentleman to whom the Committee lately listened with so much attention, (Mr. CLAY,) after depicting forcibly and eloquently what he deemed the probable consequences of the proposed amendment, appealed, emphatically, to Pennsylvania, "the unambitious Pennsylvania—the keystone of the federal arch"—whether she would concur in a measure calculated to disturb the peace of the Union. Sir, this was a single arch; it is rapidly becoming a combination of arches, and where the centre now is, whether in Kentucky or Pennsylvania, or where, at any given time it will be, might be very difficult to tell. Pennsylvania may indeed be styled "unambitious," for she has not been anxious for what are commonly deemed honors and distinctions, nor eager to display her weight and importance in the affairs of the nation. She has, nevertheless, felt, and still does feel, her responsibility to the Union, and under a just sense of her duty has always been faithful to its interests, under every vicissitude and in every exigency. But, Pennsylvania feels also a high responsibility to a great moral principle, which she has long ago adopted, with the most impressive solemnity, for the rule of her own conduct, and which she stands bound to assert and maintain, wherever her influence and power can be applied, without injury to the just rights of her sister States.

It is this principle, and this alone, that now governs her conduct. She holds it too sacred to suffer it to be debased by association with any party or factious views, and she will pursue it with the singleness of heart, and with the firm but unoffending temper which belong to a conscientious discharge of duty, and which, I hope I may say, have characterized her conduct in all her relations. If any one desires to know what this principle is, he shall hear it in the language of Pennsylvania herself, as contained in the preamble to her act of abolition passed in the year 1780. I read it not

without some feelings of sincere satisfaction, as abridged by a foreign writer, with his introductory remark. (22 Belsham 23, Memoirs of George III.)

"It affords a grateful relief from the sensations which oppress the mind, in listening to the tale of human folly and wretchedness, to revert to an act of the most exalted philanthropy passed about this period by the Legislature of Pennsylvania, to the following purport: 'When we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us; when we look back on the variety of dangers to which we have been exposed, and deliverances wrought; when even hope and fortitude have become unequal to the contest, we conceive it to be our duty, and rejoice that it is in our power, to extend a portion of that freedom to others which has been extended to us, to add one more step to universal civilization, by removing, as much as possible, the sorrows of those who have lived in undeserved bondage. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we conceive ourselves, at this particular period, called upon, by the blessings we have received, to manifest the sincerity of our profession. In justice, therefore, to persons who having no prospect before them whereon they may rest their sorrows and their hopes, have no reasonable inducement to render that service to society which otherwise they might, and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain: *Be it enacted, That no child born hereafter shall be a slave, &c.*'"

In this manner did Pennsylvania express her thankfulness for the deliverance that had been wrought for her, and I am confident that she will never incur the sin and the danger of ingratitude.

Steadfastly as Pennsylvania holds to the position here taken, she will not officiously obtrude her opinions upon her sister States. One of the grounds of her rejoicing, and one of the causes of her gratitude, was, that "She had it in her power to abolish slavery." She will not, in this respect, presume to judge for others, though she will rejoice if they should have the power, and feel the inclination. But, whenever the question presents itself, in a case where she has a right to judge, I trust she will be true to her own principles, and do her duty. Such I take to be the case now before the Committee.

The proposed amendment presents for consideration three questions—that of the Constitutional power of Congress, that which arises out of the treaty of cession, and, finally, that which is termed the question of expediency. I beg the indulgence of the Committee while I endeavor to examine them in the order stated.

1. We are about to lay the foundation of a new State, beyond the Mississippi, and to admit that State into the Union. The proposition contained in the amendment is, in substance, to enter into a compact with the new State, at her formation, which shall establish a fundamental principle of her government, not to be changed without the consent of both parties. And this principle is, *That every human being born or hereafter brought within the State shall be free.*

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The only questions under the Constitution seem to me to be, whether the parties are competent to make a compact, and, whether they can make such a compact? If they cannot, it must be either for want of power in the parties to contract, or from the nature of the subject.

It cannot, at this time of day, be denied that the United States have power to contract with a State, nor that a State has power to contract with the United States. It has been the uniform and undisputed practice, both before and since the adoption of the Constitution. There are numerous instances of cessions of territory, or claims to territory, by States, to the Union. By New York, in 1781; by Virginia, in 1784, and in 1788; by Massachusetts, in 1785; by Connecticut, in 1786; by South Carolina, in 1787; by North Carolina, in 1790; and by Georgia, in 1802. The last mentioned cession is the more remarkable because it was made by a formal agreement between the United States and Georgia, in which the stipulations on each side are stated in the same manner, and with the like solemnity, as in contracts between individuals. No doubt they were considered, and really are, of equal efficacy.

There is one instance of a cession of territory by the United States to a State, that to Pennsylvania, in September, 1778; in which, also, there are mutual stipulations.

Each of these instances is a case of mutual compact, by which there was a surrender of a portion of power and sovereignty, on the part of the respective States. By which, too, there were terms mutually agreed upon. The most striking is that from Virginia, which I shall have occasion to refer to hereafter, and that from Georgia, because they both contain conditions operating as a restraint upon the legislative authority of the United States, binding and adhering to the ceded territory, and fixing the terms and conditions of its future government. So, when the United States, soon after the State of Louisiana was admitted into the Union, enlarged the territory of that State by a cession, it was done upon conditions, which thenceforth became obligatory upon the State.

These instances are sufficient to show that the United States and a State are competent to make a binding compact. Indeed, it is impossible that any one should doubt it. The States have capacity to contract with each other, so far as they are not restrained by the Constitution. In 1785 a compact was made between Pennsylvania and Virginia. There was a compact between Pennsylvania and New Jersey, and between South Carolina and Georgia. The only restraint in the Constitution (article first, section ten, clause two,) is that which prohibits States from entering into any agreement or compact with each other, or with a foreign Power, without the consent of Congress; and this prohibition, from its very nature, admits that they may enter into such compacts or agreements with the United States.

The States have a capacity to contract even with individuals, and, in so doing, to part with a portion of their legislative power. This is the case wherever a charter of incorporation is granted, by

which rights of property become vested. During the period of the charter, the subject is beyond the control of the legislative authority, which is so far suspended or extinguished by the grant. The United States have done the same thing, and with the like effect.

If it be competent to the United States to contract with an old State, it seems to follow, of course, that it has a competency to contract with a new one. The admission of the State is itself a compact, as the Constitution of the United States was a compact between the existing States; and it would be difficult to assign any good reason why, upon the admission of a new State to a participation in the privileges and benefits of the Union, such terms might not be proposed and insisted upon as the general welfare should seem to require. As the stipulation, whatever it may be, derives its binding efficacy from the assent of the State, which its sovereignty, or qualified sovereignty, enables it to give, a new State is as competent as an old one. Indeed, the possession and the exercise of this power are necessary to enable the United States to execute the contracts they may enter into with any State of the Union, upon receiving from it a cession of territory, wherever such cession is accompanied, as it usually has been, with terms upon the part of the ceding State, applying to and intended to bind the territory ceded.

Accordingly, no new State, unless formed out of an old one, has ever been admitted into the Union, but upon terms agreed upon by compact, and irrevocable without the consent of all the parties. The States formed out of the Northwest Territory (Ohio, Indiana, and Illinois,) have been made subject, as a fundamental law of their government, to the terms of the ordinance of 1787, including the very condition now proposed for Missouri. The States of Mississippi and Alabama, formed out of the territory ceded by Georgia, have been subjected to all the provisions of the ordinance, except the one which regards slavery, and that was expressly excluded by the terms of the cession. The State of Louisiana, the only one yet formed out of the territory acquired from France, has been in like manner admitted upon terms, different, it is true, from those which have been required from the other States, but still such terms as Congress thought applicable to her situation, and such as are sufficient to demonstrate the extent of the authority possessed by the United States. Even in the bill now under consideration, certain propositions, as they are styled, are offered to the free acceptance of Missouri; but, if accepted, they are to be for ever binding upon her.

Thus it appears that a new State may contract, and it is essential that it should be so, for her own sake as well as for the sake of the Union. It remains, then, to inquire, whether the stipulation proposed in the amendment is, on account of the nature of the subject, such a one as it is beyond the power of a State to enter into? It has already been remarked, that a State, at the moment of its formation, is as entirely sovereign, and as capable of making a binding contract, as at any future period. The

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real question therefore is, whether it is beyond the power of any State in this Union, for any consideration whatever, to bind itself by compact with a State or with the United States, to prohibit slavery within its borders? To suppose so, seems to impute a want of sovereign power, which could only arise from its being parted with by the Constitution, and this I think can scarcely be affirmed. But I do not mean to anticipate, as my object at present is to follow the practice of the Government.

In this view, the ordinance of 1787, respecting the Northwest Territory and the history of the States formed under it, are eminently deserving of consideration and respect. This ordinance was framed upon great deliberation. It was intended to regulate the government of the Territory; to provide for its division into States, and for their admission into the Union; and to establish certain great principles, which should become the fundamental law of the States so to be formed. In its territorial condition, it was subject to the exclusive jurisdiction of Congress, to be exercised by the ordinary process of legislation. But it was one of the terms of the cession by Virginia to the United States, that this Territory, as it became peopled, should be divided into States, and that these States should be admitted into the Union, "upon an equal footing, in all respects, with the original States." We shall now see how the fulfilment of this engagement was effected. After providing for the territorial government, the ordinance proceeds as follows: "And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory; to provide, also, for the establishment of States and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interests: It is hereby ordained and declared, that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and for ever remain unalterable, unless by common consent." Then follow the several articles, of which the sixth declares, "that there shall be neither slavery nor involuntary servitude," &c. The fifth article provides, expressly, that "the constitution and governments (of the States) so to be formed shall be republican, and in conformity to the principles contained in these articles." When the States of Ohio, Indiana, and Illinois, respectively, applied for admission, they were admitted upon the express condition that their constitutions should be republican, and in conformity to the ordinance of 1787. "They assented to the condition, and were admitted 'upon an equal footing with the original States.'"

I am aware that all this has been pronounced, rashly I think, to be a usurpation. The term does

not well apply, at this time of day, after the repeated sanction of every kind which the ordinance has received. In truth, if there be any thing in our legislative history, which is entitled to our affection for the motives in which it originated; to our veneration for the authority by which it is supported; to our respect for the principles embodied in it; it is the ordinance of 1787. But the charge of *usurpation* is in every sense inapplicable, for the efficacy of the contract arises from the assent of the State to the condition proposed as the terms of her admission.

But this ordinance is entitled to still higher consideration. It was a solemn compact between the existing States; and it cannot be doubted that its adoption had a great influence in bringing about the good understanding that finally prevailed in the Convention upon several points which had been attended with the greatest difficulty. It passed on the 13th of July, 1787, while the Convention that framed the Constitution was in session. From the minutes of that body, lately published, it will be seen that the two most important and difficult points to adjust, were those of the admission of States and the slave representation. This ordinance finally adjusted both these matters, as far as concerned all the Territories then belonging to the United States, and was therefore eminently calculated to quiet the minds of the advocates of freedom; to remove their objections to the principle of slave representation, and to secure their assent to the instrument which contained that principle, by limiting its operation to the existing States. It is not to be questioned that this ordinance, unanimously adopted, and, as it were, fixing an unchangeable basis, by common consent, had a most powerful influence in bringing about the adoption of the Constitution. It is a part of the ground-work of the Constitution itself; one of the preliminary measures upon which it was founded. Hence the unusual solemnity of the terms in which it is conceived, so different from the ordinary forms of legislation, and which give to it the character of a binding and irrevocable covenant.

Such, then, is the power that has *always* been exercised by Congress upon the admission of new States into the Union, and exercised without dispute. Whence was it derived? It was exercised, as we have seen, immediately before the adoption of the Constitution, while that instrument was under consideration, and recognised immediately after, by the act of the first Congress, supplementary to the ordinance. Nothing can be more clear, than that if the ordinance of 1787 was inconsistent with the Constitution, it was repealed by that instrument. If the Convention had meant to repeal it, they would have done so. It was directly in their view, and embraced a subject which was earnestly and carefully treated by that body. And yet, immediately after, when the same men who had framed the Constitution, and knew its intention, were many of them members of Congress, the supplement to the ordinance was adopted. That was not a time, you may be assured, for stretching the federal power. The greatest jea-

lousy prevailed, and the friends of the Constitution were obliged to observe the utmost caution, while it was slowly winning its way to the public favor; refuting the suggestions of its enemies, and settling down gradually, but firmly, upon the solid foundation of ascertained public benefit.

In what part of the Constitution is this power conferred? It is conferred by that provision which authorizes Congress to admit new States into the Union, and to me it seems perfectly plain, that we need look no further for it. There are other parts of the Constitution which have a bearing upon the question, because they apply to the subject upon which it is proposed to exercise the power, and may very well be used for the purpose of illustration or of argument. This use of them affords no just occasion for the remark, which has been so triumphantly made, that the friends of the restriction differ among themselves, as to the part of the Constitution from which the power to impose it is derived. They do not differ. But, (as upon every other question of Constitutional power) they naturally resort for information to all the provisions of the Constitution which have relation to the matter in discussion.

The general power to *admit new States* is given to Congress in general terms, without restriction or qualification, and, upon every just principle of construction, must be understood to confer whatever authority is necessary for carrying the power into effect, and every authority which in practice had become incident to the principal power, or was deemed to make a part of it.

Of late it has been the fashion to insist upon a liberal construction of the Constitution, and its most extensive efficacy has been found in the implied powers it is supposed to confer. All powers are implied that are necessary for the execution of the enumerated powers, and the necessity need not be absolute; a modified necessity or high degree of expediency is sufficient. Whence the authority to incorporate a bank? Whence the authority to apply the public treasure to the improvement of the country by roads and canals? Whence the authority to encourage domestic industry by bounties or prohibitions? Whence the authority to purchase and to govern the Territory now in question? Is it to be found in the letter of the Constitution? They all rest upon this single position, that an original power having been granted, every other power is implied which is necessary or useful for carrying that power into execution; and this is an inherent, essential principle of the Constitution, altogether independent of its express words.

But, the power in question rests upon stronger ground than this. The Constitution of the United States, though in form the work of the people, (who made it their own by adoption,) was a compact between States. It was made by delegates chosen by the States. The votes in the Convention were given by States. It was submitted to the States for their ratification; and its existence depended upon the sanction of a certain number of the States. These States were sovereign, but confederated by a slight and sufficient union, incapable, from its weakness, of providing for the

common welfare. Their sovereignty extended to every thing within their limits, and to every thing else, but the few powers (if they deserve to be so denominated) which were conceded to the Congress of the Union. Nevertheless, it was a confederation, which comprehended all who were parties to it, and excluded all others. Was there a power in this Confederacy to admit new members? It cannot be doubted. To whom was that power confided? The express provision in the Articles of Confederation, which has been quoted and relied upon, in opposition to the power contended for, has no relation to the subject of new States, to be formed and admitted from the territory of the United States. It was an invitation to Canada and the other British colonies in America to join us in resistance to the common enemy; and, if they had accepted the invitation, they would have come into the Confederation upon the terms only of making common cause with us. But there was a power, independently of this provision, to admit new members. That is clear from its exercise—and that power was exercised by the States in Congress. When Virginia, in 1786, ceded to the United States her claim to the Northwest Territory, it was upon condition that the territory should be formed into States, and that these States should be admitted upon an equal footing with the original States. Congress accepted the cession upon that condition, and proceeded to fulfil it by the ordinance of 1787.

The extent of the power, the mode of its exercise, and the incidents belonging to it, were also determined by the practice of our Government. Among these incidents was that of making terms, conditions, or compacts, with the States admitted; and so inseparably incident was this deemed to be, that when Virginia stipulated for the admission of the States upon an equal footing with the original States, that stipulation was understood to be fully complied with by admitting them upon terms. It is not at all material to the present purpose to inquire, whether the ordinance of 1787 was or was not an usurpation. If there was any authority usurped, it was that of admitting the States, the principal power itself, not the incidents. It is sufficient that, in point of fact, the power of admitting new States was exercised, and was understood from its exercise to include in it the power of proposing terms, conditions, or stipulations, and, among them, the very condition now in question.

When, then, the power of admitting new States into the Union was vested by the Constitution, without limitation, in the Congress of the United States, was it not intended to carry with it whatever in practice had been established to be an incident of the power, or a part of the power? Where was the residue lodged? Not with the States; for the States, as such, have no longer a voice in the Union, except for the purpose of amending the Constitution. Not with the people; for the people have no voice, but through their Representatives in Congress. The matter resolves itself at last into this single question: Did the people of the United States, when they framed their Constitution, mean to give up, and forever

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relinquish, the power of proposing terms; or did they deposit it with their own immediate agents, chosen by themselves? They had always found terms of some sort beneficial and necessary, and they have been necessary and expedient in every instance since the Constitution was formed; so that, with the exception of Vermont, not a single State has ever been admitted into the Union but upon conditions agreed to by compact. Who are the Congress of the United States? by whom are they chosen? whom do they represent? The people of the existing States. Who is it claims to be admitted into the Confederacy, and to participate in the benefits of the Union? An alien, as yet, one who has no right of admission, whom the people of these United States, as a political association, may at their pleasure reject. Can it be supposed that, by framing a Constitution of government for themselves, the people of the United States meant to destroy forever their own inherent right of prescribing terms and conditions of admission? And yet this is the obvious result of the argument; for, as it denies the power to Congress, and it cannot be exercised by the States or the people, it is forever gone. In what part of the Constitution do you find any countenance for such a conclusion? There are limits, it is true, to the powers of Congress, but those limits are the boundaries which separate the rights of the Union from those of the States and the people. Is there any power denied to Congress, which is not reserved to the States or the people? Was any power intended to be denied to them, in its nature fit and proper to be exercised, but which could not be exercised by the States or the people?

Besides, if this power was in its exercise to be merely ministerial, why was it confided to Congress, the highest legislative authority of the nation, intrusted with the care of all its most important concerns? It is derogatory to the character of Congress, and altogether inconsistent with the general tenor of its high duties, to suppose that it shall be required to perform an office so humiliating. One gentleman tells us, that Missouri has a right to be admitted, and will assert her right. What is this but to say she will knock at the door, because it is civil to do so; but, if it be not immediately opened, she will break it down, and come in by force? Another gentleman has told us of a citizen of Missouri, who said that, rather than submit to the restriction, he would shoulder his musket against the United States! Such intimations can have no other effect than to create a very reasonable doubt whether Missouri is yet fit to be admitted. Admission presupposes the existence in the new Territory of principles and feelings somewhat like those which govern other parts of this Union, and those are feelings of submission and respect for the Constitution and laws, and the authority exercised under them.

If we have no right to impose the condition, there is an end of the question; but, if we have a right, and it is deemed expedient to exercise it, I trust the Congress of the United States are not to be frightened from their purpose by threats like these. What becomes of the Union, which gen-

tlemen express so much anxiety to preserve, if it cannot assert and maintain its rightful authority, even against a territory without the original limits of the United States, only very lately acquired, and with a population who have scarcely had time to become acquainted with each other? Such an Union could hardly be worth preserving. Why, sir, when Virginia brought her eldest daughter, Kentucky, trained up in the habits and affections of her parent to an age when she was fit to be introduced into the society of the Union, and offered her as an associate fit to be received, Congress, it is admitted, had a right to receive or to reject her. But, when a State, formed out of an alien territory, and having had no paternity but that of Congress, offers herself for admission, she may demand and insist upon being received. And does Missouri deem so lightly of the privilege of belonging to this Union, that she would rather forego it than make a slight sacrifice of a seeming advantage, or that she would hazard it for the sake of asserting her own opinion in opposition to that of Congress? I cannot believe that, upon reflection, she will adopt any such course. If she should, it will be time enough then to consider how the authority of the Union is to be maintained.

I have said that it is derogatory to the authority of Congress, and wholly inconsistent with the tenor of its high duties and capacities, to suppose that it is merely to perform the humble ministerial office of opening the door, on demand, for the admission of a State, without any discretion whatever. No instance can be found where the Constitution has assigned to the legislative power the performance of such a duty. Thus construed, it is not a power at all. The cases that have been put are in no respect analogous. The power of Congress, upon the death of the President and Vice President, to declare what officer shall act as President of the United States, is a very high power, involving in its exercise much discretion—a discretion commensurate with the various and important trusts confided to the Chief Magistrate. It can with no propriety be said to be ministerial, and its being deposited with Congress, is the strongest proof of the confidence reposed in that body. The office of counting the ballots, upon the election of President and Vice President, simple as it may seem, and easy as in ordinary cases it is, is nevertheless an office of important trust, and including some judicial discretion, as well as a most serious responsibility. It is a fit office to be executed by the highest body in the nation. The power of impeachment is not a ministerial, but a judicial power; and it belongs not to Congress, but to a single branch. The same remark applies, with equal force, to the right which each branch possesses of judging of the elections and returns of its members—a judicial power, incident to every body composed of elected delegates—and one of its inherent privileges. In all these cases, however, it may not be amiss to observe, that the Constitution gives only the principal power. The incidental powers—such as sending for persons and papers, enforcing the attendance of witnesses, and the like—are implied from the principal grant.

That construction which supposes that Congress have a power indeed to admit or to reject, but simply to admit or to reject, seems to me (though it might be sufficient for the present case) to reflect upon the wisdom of the framers of the Constitution. The objection to the admission of a State may arise from something not in its nature insuperable, but which might be removed by compact or by accepting a condition. Would it not be worse than idle to say that, in such a case, the State must be rejected, for want of a power, on the one side to propose, and on the other to agree to certain terms of compact? In truth, as will be shown more fully hereafter, such a discretion in Congress is essentially necessary to the just exercise of the power of admission, not only on account of the Union, but also of the States to be admitted.

The gentleman from Delaware has indeed argued that the power given is to "admit," not to "form or create," a State, and, therefore, Congress have no power to interfere in the formation. This only brings us back to the inquiry what is meant by the word "admit." It has always been understood that Congress have a right, and are in duty bound, to superintend the formation of a State and to see that it is properly formed. The terms of the very bill now on your table (following the usual phraseology) "authorize" the people of Missouri to form a constitution of State government preparatory to their admission.

But, antecedently to the Constitution itself, the States then existing had prescribed certain terms or conditions to the States to be formed out of the Northwestern Territory. If Congress have no power but to admit or to reject, the Territory was by the Constitution liberated from those conditions, for want of authority to impose them. There might be a question, indeed, whether the Territory has not reverted to the States which ceded it, in consequence of the incapacity of Congress to fulfil the stipulations.

I beg leave, then, to return to the question—the incidents to this power being quite as important as the power itself, the power being worse than worthless without them—did the people of the United States, in framing a constitution of government for themselves, intend to destroy the power by stripping it of the incidents that give it all its value? Did they mean to prevent its application to the cases to which they had themselves applied it? And for what purpose? Better, far better, would it have been that no power at all should have been given to Congress, than that they should thus be required, either blindly to admit or sullenly to reject. The design of the Constitution was not to abridge, but to enlarge and strengthen the powers of the Federal Government, and it would be strangely inconsistent with the general plan, to suppose that, in a matter which is properly of national concern, it had denied to Congress a portion of power which had been actually and beneficially exercised under the Confederation. We should naturally expect to find it where it was deposited before. I think it is, accordingly, there deposited, with all its established incidents, among which is that now in question.

This power is not now asserted for the first time under the Constitution. It has always been exercised by Congress. There never has been a State admitted (except Vermont) without conditions, which surrendered a portion of legislative authority more or less extensive. Kentucky entered into stipulations with Virginia, and among them was one by which she bound herself, for five years, not to tax the lands of non-residents higher than those of residents, and never to tax the lands of non-residents who should reside in Virginia higher than those of residents. This is a perpetual restraint upon her power of legislation, but it is no diminution of her sovereignty. The States of Ohio, Indiana, and Illinois, by compact with the United States, are under a perpetual incapacity to permit slavery within their limits. This is no derogation from their just sovereignty, nor does any man imagine that it impairs their character or lessens their weight in the Union. Alabama, Mississippi, and Louisiana, too, have come in upon conditions imposed by Congress at the time of their admission. In every such instance the States have been deemed to be, and have in fact been, admitted upon an equal footing with the original States. The uniform exertion of this authority for such a length of time is not to be regarded merely as furnishing us with so many precedents, entitled to more or less consideration according to circumstances. There must be a time after which the practical construction of the Constitution, universally understood, and adopted and acquiesced in by the people, especially in matters of great public concern, is to be deemed the true construction, and placed beyond the reach of dispute or controversy. Shall we now undo all that has been done for above thirty years, and done with the common consent? Shall we reject, as erroneous, the interpretation that has been, without exception, put upon the Constitution from the time of its adoption? It is due to the Constitution itself, that it should not be exposed to treatment which must weaken its claim to the public confidence and respect. It is due to the people, whose Constitution it is, that what it has always been understood in practice to be, that it shall continue to be, until they may think proper to change its provisions.

But here we are met by an objection, which seems to be considered by those who present it as of great force. If one condition may be proposed, why not another, and another, without limit, to the entire annihilation of all the rights of the State? This argument, though pressed with a sort of triumph, as if it were completely unanswerable, can scarcely be said to be even plausible. The possible abuse of power can never be urged to show that a power does not exist, or that it is not upon the whole salutary and proper; for, if admitted at all, it proves by far too much, as it is equally available against every grant of power. In the formation of government, the first inquiry must be, what authority is fit and necessary to be delegated? And then we are to inquire to whom it shall be confided, and what security can be provided against its faithless exercise? All authority is exposed to the danger of abuse, for it is admin-

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istered by men. Government has been said, by a once celebrated popular writer, to be itself an evil, inasmuch as its necessity arises from the vices and weakness of our nature. But the Constitution has provided with the greatest care against the abuse of power, by making every public agent in some way accountable for his conduct, and by conferring the highest powers upon those who are immediately responsible to the people; and as long as the people shall continue to be faithful to themselves, so long the check will continue to be effectual. This is the great security, and it depends upon the virtue and intelligence of the people. No Government ever afforded the same degree of protection, with so little burden; and if we had not been most vehemently censured abroad for speaking well of ourselves, I would add, that there is probably no other people upon earth who could be kept quiet by so light a pressure. The Government and the people are suited to each other. Long may they continue so.

The Congress of the United States, the immediate Representatives of the people, and immediately accountable to the people, are the fit depositaries of such a power as that now claimed, for it concerns the general welfare. They have no motive to abuse it: and, if they were so inclined, they cannot abuse it, because they have no power to impose the condition. The State may, at her pleasure, reject the offer, and remain in her territorial condition, where she will be subject to the unqualified power of Congress.

It must be manifest to every one who has reflected upon the subject, that there are terms which are obviously salutary and proper, and necessary to be proposed upon the admission of a State. When Louisiana asked to come into the Union, had any one doubt that it was right to require that her legislative and judicial proceedings should no longer be carried on in a language unintelligible to the other citizens of the United States without the aid of an interpreter? There are terms, too, which would be manifestly improper; and there are terms, I freely acknowledge, which would be incompatible with the Constitution. There must be a discretion somewhere to judge between the two first classes. Our Government would be incomplete without it. Where can the power be so safely lodged as with the Congress of the United States, to decide what terms the general interests require to be proposed? They have never yet abused it, and I think there is no danger that they ever will. But where do the opponents of the amendment propose to lodge the power? Leave the State free, it is said; let her adopt such a plan of government as best suits her own circumstances. And is there no danger to be apprehended from that quarter? Supposing her to be competent to judge what is best for herself, or most for her own advantage, (of which, if she desires slaves, I must be permitted to doubt,) yet, as she claims to become a member of this Union, the general interests are involved in her decision, and her views may not be those which best comport with the public welfare. Of that she is not in any sense as competent to judge as those who are intrusted

with the care of the concerns of the whole. Is it too much, then, to say, that the right to judge of terms which are not incompatible with the Constitution, belongs to the Union, and to Congress, as the admitting power? It is essential that it should be so, for the sake even of the State applying for admission. I have immediately at hand an illustration, and, if I mistake not, a most cogent argument, to which I invite the particular attention of the delegate from Missouri. I feel nothing but good will for that gentleman, nothing but good will for his constituents, whom he represents here with so much zeal and ability; and I submit this matter for his and their consideration. It is not to be denied that Congress have the power to fix the limits of the State, and that they are not obliged to give her all the territory comprehended in the boundaries stated in the bill. This is entirely within their control. Suppose Congress should be of opinion that if Missouri is to be a slave State, her northern boundary ought to be the river, cutting off the large and fertile tract of country that lies beyond it. But if she will adopt the proposition of the amendment, she ought to have for her domain the whole territory within her present limits. Might not Congress propose to her the alternative—take the restriction and you shall have all the territory; reject the restriction, and you shall not go beyond the river? Something of this kind is very likely to happen, and it may hereafter appear that Missouri is contending for a principle that will operate much to her disadvantage. For my own part, and I speak only for myself, I most freely and sincerely declare, that if the restriction be not agreed to, I will vote for reducing Missouri to the smallest limits that are consistent with the character of a State. If the restriction be agreed to, I will vote for giving her such boundaries as will secure her grandeur and comparative importance.

From the view which I have now endeavored to take, it will follow, that whoever objects to any condition proposed, as beyond the power of Congress, must fail, unless he show that the particular condition is incompatible with the Constitution of the United States; that it is such a condition as the State has not a power to assent to. I am very sensible that the question which arises here is interesting and important, and that it is delicate, though otherwise I think not difficult. No one who has a feeling of regard for his country can be indifferent to the sensation it occasions in this House, nor perceive, without some emotion, the line of division it marks. Yet, it is a question that is before us; it is a question we must meet, and while we owe it to our country to meet it fully and fairly, we owe it to each other to meet it with mutual respect and forbearance. I will concede even more—we are not to entertain, much less to express, a thought, hostile to the rights of the inhabitants of those States where slavery exists; and in any thing I may say, I hope it will always be understood, that I consider those rights entitled to the protection of all the power of the country, without reference to any other consideration than that they are acknowledged by the

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Constitution. Among the many evils of slavery, it is one, that, where it exists, it can scarcely be freely discussed, and yet there may be occasions when its free discussion is of the greatest importance. The same kind of difficulty existed at the formation of the Constitution. It was not removed by crimination, or suspicion, or threats; it was adjusted upon the basis of an existing state of things.

Is this condition, then, incompatible with the Constitution of the United States—so incompatible that a State cannot assent to it? For, if a State might voluntarily surrender it, Congress may require its surrender as the term of admission. With what part of the Constitution is it incompatible? It interferes with no express provision of that instrument. It must then be implied. What an implication! Instead, however, of pointing out the parts of the Constitution from which this implication can be made, State rights are immediately sounded in our ears—State rights are invaded and violated. Sir, State rights is a phrase of potent efficacy, and properly understood, of sacred regard. But what are State rights? They are ample; they are inviolable; they are the sure foundation and the lasting security of our liberties; and, I hope I may add, they are in no danger from the present proposition. But, I must be permitted to say, there are rights of the States who were parties to the Constitution, and rights of States afterwards to be admitted into the confederacy. Will it be contended that they are in all respects identically the same, or that a new State is not upon an equal footing with the original States, unless it possesses precisely the same power? A moment's attention will show that it cannot. Before the Confederation the thirteen States who composed it were, in all respects, sovereign and independent States, possessing all the attributes of sovereignty. The Confederation was of sovereign and independent States, united only for certain purposes of common concern, in the management of which they acted as States. When, in the course of events, these States came to form a more intimate union, they presented to the Convention points in which they agreed, and points in which they differed. They were respectively sovereigns of all the soil within their limits, and proprietors of all the vacant land. They were sovereigns for all the purposes of foreign as well as domestic legislation; and no new confederate could be admitted but by common consent, and upon such terms as the existing States might think fit to prescribe. There were, too, accidental diversities among them, of which I need only mention one—the existence of negro slavery in some of the States, permitted by their laws and incorporated into their institutions.

With respect to the existing States, it may truly be affirmed, that they were left in the possession of every power and right which was not conceded by them to the Union. They derived no right or power from the Constitution; they only retained what they before possessed, without inquiry into the nature of its origin. The extent of this reserved possession is more easily understood than defined. It is sufficient for the present purpose to

say, that it comprehended all the power of slavery, as an existing state or condition, which they did not choose to renounce or relinquish, and perhaps had it not in their power to extirpate, if they had so desired. The Constitution was thus the creature of the State; the work of their own hands. But what is a new State? It is the creature of the Constitution; deriving from the Constitution its existence and all its rights, and possessing no power but what is imparted to it by the Constitution. If it have a power to establish slavery, it derives that power from the Constitution, and the Constitution becomes stained with the sin of having originated a state of slavery. What a reflection would this be upon that instrument? How is it calculated to diminish the sacred regard that has been felt for it here and abroad? Up to the present moment, no such charge can be made against the Constitution. With respect to the existing States, it only tolerated what it could not remove; and in the case of Louisiana, it submitted to circumstances equally uncontrollable. But, (and I say it with pride and with pleasure,) it never yet has conferred a power to establish the condition of slavery; and I warn those who are intrusted with its administration to beware how they claim for it the exertion of a capacity so odious.

But, we are told that every thing is implied in the use of the word "State;" that the Constitution, when it speaks of the admission of new "States" into the Union, necessarily means that they should possess certain faculties and powers, of which it is also contended that the precise definition is to be found in the faculties and powers possessed by the original States. I admit, unhesitatingly, that there are rights so inherent and essential, and, if you please, inalienable, that a State cannot surrender them, nor exist as a member of this Union without them. But is it essential, by the principles of our Constitution, to the character of a member of this Union, (a newly admitted member especially,) that it should possess all the powers, or even all the rights, that belonged to the original States? It must then be the sovereign of all the territory within its limits, which has never been the case in a single instance of a State newly formed out of the territory of the United States. It cannot be the case; for, by the practice of the Government, the admission is made to depend upon the inhabitants, and not upon the appropriation of the land. The unappropriated lands belong to the United States. Even its limits are settled by Congress. It must, too, have an unlimited right of taxation, and it must have an independent and absolute power extending to every thing within its limits; for all these powers belonged to the original States. Then, sir, not a single new State (excepting Vermont) has been properly admitted into the Union; and the practice of the Government, from its first foundation, has been one tissue of error and usurpation.

In every instance, some restriction or curtailment of legislative authority, more or less extensive, has been imposed and assented to, with universal approbation. In the case of Kentucky, as

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we have seen, Virginia stipulated, among other things, that for a limited time the lands of non-residents should not be taxed higher than those of residents, and that the lands of non-residents residing in Virginia, should never be taxed higher than those of residents. This is a palpable restraint upon the exercise of a legislative authority, which every one of the existing States possesses without restriction, and yet it never has been supposed to place Kentucky in a condition of inferiority to her sister States. I will not tire the patience of the Committee by going through the other instances, which have been already very fully brought into view. Enough has been said to show that it has never been thought requisite that a new State should possess the same identical powers which confessedly belonged to the original States, and that such identity is not necessary to a perfect political equality.

To come nearer to the question, I beg leave to ask is it essential, by the principles of our Constitution, to the character of a State, that it should have the power of originating, establishing, or perpetuating, the condition of slavery within its limits?

I request gentlemen to pause before they answer this question, and to look it fairly in the face, for it must be met. Is it essential to the character of a free republican State, that it should have the power of originating, establishing, or perpetuating a system of slavery—so essential, that it is not a free republican State without the power, nor qualified to be a member of this Confederacy?

Can it be possible that a Constitution, framed to secure, to preserve, and to extend the blessings of liberty, itself rests upon a principle so impolitic and so indefensible as this? I should very much fear, that we could neither expect the favor of Heaven nor the approbation of men for a Constitution so constructed—whose professions were so entirely at variance with its principles. Can it be pretended, will any one be hardy enough to assert, that this power belongs to the rights of self-government, or of a just sovereignty, or that it is to be arranged in the same class with the authority exercised by every well constituted society, in regulating the domestic relations? Where slavery exists, it may be (as was said by a gentleman from Virginia) that slaves are regarded as in a state of perpetual minority. It might with equal propriety be said, at once, that they are regarded as in a state of perpetual subjection—it amounts to the same thing; for surely no man will seriously affirm that this decree of perpetual minority has its source in the same feelings and views which, in all civilized nations, have led to the enactment of laws for the protection of infancy against its own folly and imprudence. The one originates in parental affection, anxiously providing for the welfare of its offspring, during the period when by nature the judgment is weak and the passions strong; and every incapacity which the laws have established is meant as a shield for infancy against danger to itself. The other, has it any view to the comfort or well being of this perpetual minor? I will not pursue the inquiry, lest I should wound the feel-

ings of some who hear me, and whom I would not willingly offend. Where slavery exists, you may call it what you please—you have a perfect right to do so, and to regulate it by such laws as you deem best—but, in a discussion like the present, it seems to me an utter perversion of language to style it a minority, as it would be an utter perversion of sentiment to suppose that it has any resemblance to the endearing relation out of which the laws for the government of infancy have grown.

How is this power essential to the character of a free republican State? Suppose this evil were now happily extirpated, is there any moral or political competency under the Constitution to restore it among us? Has any one ever seriously contended for such a power? No. It certainly could not be re-established without the consent of Congress, and yet I think it will scarcely be asserted that the States would not still possess all the essential powers of self-government and a just sovereignty; that they would not be as free, as independent, as happy, and at least as powerful, as they now are.

Upon what footing, then, do the original States stand in this respect? Did the Constitution either give or reserve to them the right of originating or establishing a state of slavery? Have they now, or have they ever had such a right? Is there a right, in any of them, to reduce a free man to a state of slavery, except as a punishment for crimes of which he has been legally convicted, and not extending to his offspring? The great principles of the Constitution are all at variance with such a doctrine. It is plain enough how the Convention considered the matter, and how it was considered by the States, individually and collectively. They regarded it then, as they regard it now, as an unfortunately existing evil, of which it was impossible to rid themselves, and which, therefore, they must manage in the manner most conducive to their safety—an accidental and deplorable state of things, not to be terminated by any means which human wisdom was then able to devise. It was upon this footing that what is called the compromise took place—it was a compromise with an afflicting necessity, and mark well the manner of it! It was a silent compact between the existing States, upon a subject which they all felt was beyond their power to deal with. That silence, that most emphatic and impressive silence, of the Constitution, is the sure indication of the feelings which prevailed in the Convention. What could they say? They would not utter the word slave or slavery; and, whenever they found occasion to make any provision on the subject, they had recourse to other language, as if the very terms were hateful and offensive, and unfit to be employed in that instrument. What could they do? They could only indulge a hope that a time would come when this evil might be eradicated, and, in the meantime, they bore their testimony against it by that expressive silence of which no one could mistake or misunderstand the meaning.

That compact, not of words, but of silence, had the precise effect, while it avoided a recognition of

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the legitimate origin of the evil, of leaving every one of the then existing States in possession of the power which it actually exercised, except so far as it was parted with to the Union. The ambiguity in the Constitution, if any there be, arises altogether from this well meant mode of treating the subject. What the framers of that instrument intended should signify their detestation of slavery, has furnished an argument in favor of its extension. For, as silence left the existing States in possession of the power, so silence is interpreted, in the admission of new States, to confer the power; and this rule of construction throws upon Congress the necessity of an active exertion of authority for its restraint, for which gentlemen insist we must show a positive grant. But, with respect to the existing States, it was a power paramount to the Constitution itself, and which no State surrendered; a power, however, and a necessity, too, confined to her own limits.

Can this be affirmed, with truth, of any State newly admitted into the Union? Can it be said to stand upon the same footing as the original States, either as to paramount power, an existing condition, or the case of necessity? Up to the moment of admission, it is subject entirely and exclusively to the government of Congress, as a part of the territory of the Union. It presents itself to Congress as a Territory, asking to become a State, but bringing with it no State rights—no State powers—nothing to be reserved, but every thing to be received. It presents itself free from the condition of slavery, or subject to it in so slight a degree as to be easily manageable, and affording no just ground for its continuance. Unless, therefore, it can be shown, that it is so essential to the completion of a free republican State of this Union, to have the power of originating or perpetuating slavery, that it cannot be free and republican without it, the argument must fail altogether. Besides, sir, how can the rights of the new State be affected—it has the choice of coming in upon the terms, or not coming in at all?

I am aware it may be said that the compact between the existing States ought to be considered as a mutual stipulation with each other, that new States should, in this respect, be left free to choose for themselves. It is no where said so, and to me it seems worse than idle to suppose that there is a dormant abstract principle in the Constitution in favor of slavery, to spring up only as a barrier against what is, and always has been, conceded to be right and just. Show me the value of it, in practice, and I am then prepared to listen to the deduction; but, as long as the argument terminates only in evil, or, which is the same thing, in preventing a good, so long exactly it is impossible for it to find its way to the hearts or the understanding of men. When, not long ago, it was affirmed in this House that the Constitution gave to Congress a power to make certain public improvements; to open the channels for wealth and trade to flow from one quarter of the country to another; to approximate them to each other; to connect them by the ties of interest and mutual dependence and mutual regard, I listened with attention and

pleasure, for I expected to find a power so beneficial. So, sir, if I am told that there is a power in the Constitution to arrest the march of slavery, to extend the sphere of freedom, personal as well as political, that, too, I expect to find. But, when I am told that there is a silent, dormant principle in the Constitution; a sullen power, that forbids us to check the extension of slavery, I confess to you that I involuntarily shrink from the process of reasoning by which it is deduced, and revolt involuntarily from the conclusion. If it be apparent, I must and I will submit to it; but if it be not clear, I am not disposed to search for it, either among the high attributes of sovereign power, or the more frequent refuge of State rights.

But I admit that this assertion is true, as to every rightful and essential power, which belongs inseparably to republican self-government, or is necessary to place a State upon an equal political footing with her sister States, and render her worthy to be a member of the Confederacy. As to the rights of self-government, I have nothing more to say. It only remains to inquire, whether the proposed restriction disturbs or interferes with any of the great political rights of the State, or is calculated to lessen her weight and influence in the scale of the Union? The great and important right of every State is that which regards her representation in the National Councils. Is that impaired by the restriction? The compromise of the Constitution, in the article of representation, was founded upon a simple, and now well established principle, applied to preserve the balance of the existing States. It was not that property was to be represented—for then every kind of property ought to have been estimated in fixing the ratio—but that this particular kind of property occupied the place and consumed the food of a free population, and to that extent lessened the comparative numbers of the State, not for a time only, but forever. If the free population had furnished the ratio, how many Representatives would Virginia now have? To preserve the balance of the States then, and thereafter, the rule of three-fifths was adopted, and, with this rule, the Constitution considers that there is a fair political equality between the free States and the slave States. Can it be said that the political rights of the State are in this leading and all-important point impaired by the restriction? In point of fact, her influence and power are increased, for the free population will increase more rapidly than the slave population, and she is entitled to a representation for the whole number, instead of being limited, as to a part, to three-fifths. Whoever will take the trouble to examine the comparative increase of the two descriptions of States, will be satisfied of this, and I have no desire to obtain for the free States the advantage hinted at by a member who has opposed the amendment, of infusing into the States to be formed a debilitating disease, which will stint their growth and lessen their political weight in the Union. The political right of a State, secured by the Constitution, is, if there are slaves, to apply to them the rule of three-fifths, and that right, I admit, cannot be infringed. But it is not

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necessary to the enjoyment of the full benefit of the principle of representation, nor fairly to be deduced from it as a part of the compromise, that a new State should be permitted to have slaves.

I may be allowed again to ask, what are the political rights of a State in regard to the Union? They are the political rights of the free inhabitants, the only condition known to the Constitution. Slaves have no political rights. They are acquired by force, and they are held by force; and if it be lawful to hold them, it is also lawful to use any degree of force that is necessary to hold them in quiet subjection. Every law of a slaveholding State which provides particularly for this condition of men, by peculiar exertions of authority; by an unusual discipline, or by unusual terrors and punishments, having no view to their own benefit, but only to the safety of their masters, is an exertion of force, necessary (where the condition exists) for the security of society, not to be mentioned reproachfully, much less to be interfered with, but still a mere exertion of force, demonstrating that slaves have no political rights. They add nothing to the mass of rights. I would not be understood to question the power of the States where this condition exists. Whether it is a power reserved, it is, as to them, recognised by the Constitution, and entitled to the support and protection of the whole strength of the Union. We may have our wishes and our feeling on the subject; it is for them alone to decide how long this state of things shall continue. If ever the time should come when they shall be able and willing to rid themselves of the evil, it will be hailed with unaffected delight. Till then, while this Constitution endures, we have no right to ascend beyond its provisions, and we are bound to carry them fully into effect. The State which I have the honor to represent has been as ardent and sincere in the cause of emancipation as any State in this Union. But she has never lost sight of her obligations to her sister States. Her laws and her judicial decisions will be found to be in strict conformity with the Constitution, and so they will continue to be.

If the members of the Convention meant to frame a compact between the States, to the effect which has been mentioned, that is to say, that every new State should in this respect be left entirely free, we might reasonably expect to find it somewhere in the Constitution. It could not have been forgotten or overlooked: it was a subject in itself of too much interest and importance; and, besides, the ordinance of 1787 was adopted while the Convention was sitting that framed the Constitution, and that ordinance provided for the admission of States, with a perpetual inhibition of slavery. Under the Confederation it had been assumed as a power belonging to Congress, and exercised as a power fit to be exercised by Congress. It is incredible that the Constitution should have designed to disaffirm all this, and yet have said nothing about it, but conferred without limitation the very power to which it had become an established incident.

Can any good reason be assigned why the ex-

isting States should have entered into such a compact? It was not necessary to the compromise; which regarded only the actual condition of the States, and which meant to preserve to each of them nothing more than the power within its limits. The Constitution was not formed for a day or a year, but for a succession of time; I hope for ages: and it might easily have been foreseen that cases would probably occur in which the exercise of such a power by the Government would be of the utmost importance. Suppose the case of a distant or a frontier State applying for admission. If you permit her to have this kind of population, you are bound by the Constitution to protect her, with all the means of the Union, against the insurrection of the enemy within her bosom, and against the inroads of any foreign nation. You are bound even to secure to her the enjoyment of this very property, and if a neighboring Power should, by force or seduction, carry off her slaves, it would become a cause of national quarrel and of war. Our own recent history gives us an example of something of this sort. What was the Seminole war? The runaway slaves of Georgia, combining with outlaws and Indians in Florida, carried on hostilities upon the borders of Georgia, and that State, as she had a right to do, called upon the United States for protection. It was granted; and hence the Seminole war. If a new State, circumstanced as I have supposed, should apply for admission into the Union, would it not be reasonable, nay, would it not be essentially just and necessary to require her first to stipulate that she would not introduce that source of weakness and that cause of quarrel, which might be so expensive and burdensome to the Union? It ought not to be a concern of the State alone, because it may become a charge to the nation.

I think I may safely affirm that this is the practical, established construction of the Constitution used and approved from its adoption to the present day. But permit me for a moment to examine the spirit of that instrument. If, as is clearly shown, the toleration of slavery by the Constitution, and the corresponding provisions, were owing to an incidental, existing, and uncontrollable necessity, then it is plainly the spirit of the compact that the power should never be permitted to a new State, but where the same imperious circumstances exist to demand it, as in the case of the original States. Such was the fact in the instance of Louisiana. What, then, is it that Congress are to do upon such an occasion? To impose conditions arbitrarily? No. To judge of the circumstances, regarding in due proportion the interests of the State and the Union. If that deplorable necessity exist, they permit in silence what, like the framers of the Constitution, they will not in terms avow. If not, they adjudicate by the restriction, which it is then their moral and Constitutional duty to impose.

This is the true, it is the necessary, and only just construction of the Constitution—the only one that is consistent either with the professions we have always been in the habit of making, or with the hope that was certainly once very much cherished, that a mode might some day be devised of

abolishing this great evil. We may assert, as we will, that we are not in favor of slavery; as long as it shall be seriously insisted that, by the Constitution of our country, every new State has the inherent and inalienable right of establishing domestic servitude, so long our professions will be disbelieved, and we ourselves, as well as that venerated instrument, be charged with hypocrisy. Suppose, sir, that the existing States were in a course of abolition, would it be permitted to a new State, governed by some selfish or ill judged views of interest, to revive the condition of slavery, and thus to control and defeat the policy of all the others? Ought it to be in the power of any new State to enlarge the region of slavery, and thus to increase the difficulties, already sufficiently great, presented by this very difficult and embarrassing subject? Can it be that we sincerely believe it to be an evil, and yet will gravely insist that it is a right of every new State to do—what? I was going to say, enjoy this evil, but that would be a perversion of terms—afflict and injure herself, and her associates too, by admitting it within her limits? If it be a good, the argument is intelligible: if it be even doubtful, there is still some scope for choice; but, if it be an acknowledged evil, it seems to me extravagant, if not absurd, to contend that there is a right to have it, and that a prohibition restrains or impairs the just liberty of a new State.

This construction, too, is plainly indicated by at least one provision of the Constitution, I mean the 9th section of the first article: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808." Why is this restraint upon the power of Congress, confined to the States "now existing?" It was to give to Congress the power, immediately, to prevent the introduction of slavery into the States to be formed. I do not doubt that it had a particular reference to the ordinance of 1787, and was meant to guard against the inference that Congress had not the authority to complete the work the ordinance had begun. For, if the restraint had been general, comprehending the States to be formed, as well as those existing, Congress could not, within the twenty years, have prohibited the "migration or importation" of slaves into the States to be admitted into the Northwestern Territory; and then one of two consequences must have followed; either Congress would have refused to admit the States within the twenty years, which would not have been consistent with the engagements entered into, or they must have admitted them with the power of receiving slaves, which would have been contrary to the provisions of the ordinance. It is, therefore, I say, that this section of the Constitution had a plain reference to the ordinance; and while it evinces, in the clearest manner, a Constitutional distinction between the existing States, and States to be admitted, upon the very subject now in question, and plainly intimates a design to give a control to Congress over the introduction of slavery into States to be formed, it also seems to me to afford

a Constitutional sanction to the ordinance itself. The view which I have thus, I fear at too great expense of time and patience to the Committee, endeavored to present, is, to my mind, so conclusive, that I should hope it would be unnecessary to detain them longer. But, there has been all along an assumption, by those who are opposed to the amendment, which I think extremely questionable, if it be not wholly unfounded. It is assumed, that the condition proposed by the amendment, will produce an inequality between the State to be admitted, and the existing States. It is not material, (the inequality being of no consequence,) but I mistake if I may not safely deny that it will occasion any inequality at all.

Sir, has any State in this Union a constitutional capacity to originate or establish a state of slavery? To be more precise—if a State (Pennsylvania, for example,) has once abolished slavery, has it a power, without the consent and against the will of Congress, to restore that condition? This is an interesting, but I think it is not a difficult question, and certainly it is not a dangerous one to discuss. No State that has once abolished slavery will, I believe, ever desire to restore it. And here, sir, I invoke to my aid the great principles of the Constitution, and the great truths of the Declaration of Independence. I invoke, too, the principle of the compromise, founded as it was upon an existing state of things, and recognising no rights but what necessity conferred.

The reduction of a fellow creature to slavery, to a state where nothing is his own but his sorrows and his sufferings, is, if you please, an act of sovereign power; that is, of sovereign force, which obeys no law but its own will, and knows no limits but the measure of its strength. If these States were sovereign, they, too, like other sovereigns, might exert a lawless power. It would, nevertheless, be morally wrong. But they are sovereignties, qualified by the grants of power to the Union, and by the great political principles upon which all our institutions repose. The sanction of these principles is now added to the force of moral obligation; and the beautiful feature of our Government, that which entitles it to the respect of strangers, and to our affection; that which distinguishes it from all the governments that have ever existed, is to be found in this single truth. Such is its structure, that it can do no lawless violence, and whenever we speak of sovereignty, we mean a rightful moral sovereignty, and not a power to do whatever it has strength to accomplish.

Whence, then, can a State derive such a right—I mean a right to originate or re-establish slavery? It cannot, by force, reduce freemen to the condition of slaves. This no one would undertake to maintain. It cannot draw them from abroad, for Congress have the unquestionable power to prohibit importation. Can it receive them from other States of this Union? The supposition imputes to the Constitution the greatest weakness, and is wholly inconsistent with the hope entertained by the great men who framed it, that this evil might some day be abolished. I think this channel is stopped, as it ought to be by the power of Congress

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to prevent importation and migration. Importation, we all understand to include slaves brought in from abroad, from any foreign territory, whether by land or by water, and we all agree that it is sufficient to comprehend, in its interdict, every bringing in of slaves from abroad. The term "migration" is applied to the same description of "persons," and upon the plainest principles of construction must be understood to apply to something different from "importation." What can it apply to, but the passage or transfer of slaves from one State or Territory to another? An argument urged by the member who last addressed the Committee, (Mr. CLAY,) I mean the argument derived from that part of the Constitution which denies to Congress the power of imposing a duty upon exports from any of the States, strongly supports this interpretation. The two clauses, taken together, and they are in the same section, amount to this—you shall not prohibit the "importation" until after the year 1808, but in the mean time you may impose a tax or duty upon "such importation," not exceeding ten dollars for each person: you shall not, during the same period, prohibit "migration," but can you impose a duty or tax? No. The authority to impose a duty or tax is dropped, and why? Because migration, meaning, as we insist, a transfer from State to State, includes, in every instance, the exportation from a State, and therefore, by the fifth clause of the same section, no "duty or tax" can be laid upon it.

Various interpretations of this clause of the Constitution have been attempted by those who are opposed to the amendment, but none of them, I think, consistent with the fair import of the terms, or the manifest spirit of the Constitution. One gentleman, indeed, (Mr. SMITH, of Maryland,) has said, some days ago, that it was intended to give Congress the power to prevent the passage from one State into another, of slaves imported into the former from abroad. His long experience and knowledge entitle the suggestion to great consideration, and it appears to me to concede the precise construction contended for. He admits that the clause applies to slaves, and the term "migration," to slaves transferred from one State to another. Now, as there is no description of the kind of slaves, which limits it to slaves imported, it must apply to all slaves. I will not insist upon the advantage of this concession; the case is fully made out without it.

But we are told by the gentleman from Delaware, that the technical meaning of the word migration is, a change of residence from one country to another. I must be permitted to say, that I am not aware that the word in question has ever received a technical meaning. We call those words technical, which have been appropriated to the service of an art or science, and in relation to that art or science have received a definite and somewhat artificial sense, well understood by those who are acquainted with the subject. Thus, when we speak of an "estate tail," or a "contingent remainder," the language is perfectly intelligible to a lawyer. The term migration has never, to my knowledge, been so appropriated, unless it may be

considered as having been adopted by naturalists, as descriptive of the habits of certain animals, and then it means simply a change of climate, for the sake of temperature, or a change of place, for the sake of food; but not a change of country. In its vulgar sense, that is, its common sense, as given to us in dictionaries, as used in conversation, or by approved writers, it means only a change of place. In two pages of Dr. Seybert's Statistical Annals, (37, 38,) the word is used three times to denote the change or transfer of residence from one State to another; and, it may be remarked in passing, is accompanied with a reflection which well deserves the attention of those who insist so strenuously upon the free admission of Missouri, in order that the owners of slaves may be enabled to go into that State. "It is important to consider how far the diffusion of our population may weaken us as a nation, and what will be the effect of the migrations on the agriculture of the Atlantic States? Many valuable farms, originally productive, have been abandoned after they were exhausted and made barren from constant cultivation, and no application of the means to restore their lost fertility. If migration be continued under these circumstances, some districts will hereafter exhibit all the features and poverty of a desert, and extensive tracts of valuable land will be a waste, to the injury of our agriculture, manufactures, and commerce. In many of these situations, industry would be abundantly rewarded, for the labor and expense of renovating the unmanaged and impoverished soil."

I am reminded by some one near me, of another difficulty supposed to be in the way of our construction; and that is, that migration means a voluntary change of place, and that the removal of a slave is without his own consent. Even if this were correct, it would amount to nothing. The will of a slave is always the will of his master, and his acts, wherever they are in obedience to his master's orders, are, by the Constitution and laws, deemed to be voluntary. What other term could have been employed? We are to remember, that, though the slave is regarded as property, yet is he also regarded as a "person;" a human being, having a will, but that will ever in coincidence with the wishes of his master, and it is from this anomalous composition of character, that the Constitution itself had great difficulty in finding terms applicable to his condition or conduct.

We have been told, too, (for the attempts have been numerous to avoid the force of this clause,) that it applies to freemen coming from abroad. It would be very extraordinary, indeed, if the same word, in the same sentence, were to be interpreted to include two descriptions so opposite as freemen and slaves. But all this is minute, verbal criticism, and I fear I shall fatigue the Committee by dwelling upon it. There is a much broader, and still more satisfactory answer to the objection. The clause in question has always been understood to apply to slaves, and to slaves only, from the adoption of the Constitution to the present time. It is (and that is entirely conclusive) a restraint upon the power of Congress, insisted upon by the slave-

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holding States, to secure for a limited time the right of supplying themselves with slaves. This is familiarly known to every person who has any acquaintance with the history of the Constitution; and it is known, also, that two of the States (South Carolina and Georgia) would not have come into the Union without it. How any one, knowing these things, can gravely assert that the clause has any provision relating to freemen, it is entirely impossible for me to conceive. It imputes either mistake or foolish design to the framers of that instrument; for no good reason can possibly be assigned for withholding from Congress, during the twenty years, any power it possessed over the admission of freemen, though we know well the reason (good or bad) for restraining the power as it respected slaves. I need not notice the observation of the member from Delaware, that this, being a federal power, must be understood as applying in its exercise to the Union, and not to the States. Every power, to be exercised by Congress, is a federal power, but it does not follow that it is not to operate upon the States. This, in particular, by its very terms, is to apply to the States individually. But I hasten to another objection, which has been very seriously urged, and, if well founded, renders all this examination superfluous. We are informed, that the clause in question is not a grant of power; it is only a restriction or restraint upon power. To speak with perfect precision, it is an exception or restraint for a limited time, of the exercise of a power. Such an exception, it is most clear, is conclusive evidence of a grant; for if there were no power granted, there could be no exception from, or restraint upon, its exercise. It is of itself equivalent to a grant of the power, after the expiration of the time. A rule of this House directs, that strangers shall not be admitted during the time it is in session. Would any one doubt that this gives permission to strangers to enter at other times?

If this interpretation, however, (contrary as it is to the plain design of the Constitution,) were correct, still there would be no difficulty. It follows immediately after the enumeration of the powers granted to Congress, and among them we shall certainly find that which was intended for a time to be restrained, unless we suppose the framers of the Constitution to have misunderstood, most grossly, their own work. If there be some ambiguity in the language, it arises from the remarkable reserve of the convention upon a subject which they did not choose to call by its proper name, and that ambiguity ought to be favorably expounded. Congress, then, have a power "to provide for the common defence and general welfare," and for that purpose they have a specific power to "regulate commerce with foreign nations, among the States, and with the Indian tribes." Slaves are every where articles of trade, the subject of traffic and commerce, bought and sold, from place to place, and from hand to hand, by public sale or by private sale, as suits the convenience or interest of the owner, and in all respects treated as property. The general power to regulate commerce, includes in it, of course, a power to regulate this

kind of commerce. With respect to slaves imported from abroad, this has not been disputed, and cannot be disputed; while it continued, it was a branch of the trade with foreign nations. The power to regulate commerce "among the States" is given in the same clause, and in exactly the same terms, as the power to "regulate commerce with foreign nations." If the latter authorized Congress to prohibit the importation of slaves from abroad, (which has never been even questioned,) how can it be doubted that the former gives them authority, when in their opinion the "general welfare" or the "common defence" require it, to prohibit the transportation from State to State? If one comprehends slaves, so does the other; and, if this conclusion had never been carried into practical effect, it would only prove that no case had occurred in which Congress thought it expedient to exert the power. But this construction is obviously necessary to the plain design of the Constitution, not only to the large and liberal views with respect to the whole subject of slavery, of which I will speak hereafter, but the particular design manifested in the very clause now in question. It is conceded that Congress might at all times prohibit the importation of slaves from abroad into the territories of the United States, as well as into States formed after the Constitution, the restriction, until the year 1808, being confined to the States then existing.

Of what avail was this power, (however derived,) unless they could also prevent importation through other States, or rather the passage of newly imported slaves from the old States, into new States or Territories? Sir, this construction, in itself so reasonable, has actually been adopted in practice. By the act of 1804, for dividing Louisiana into two territories, and making provision for the government of the southern portion, it is enacted, that no slaves shall be imported from abroad, and none shall be brought from any port or place within the limits of the United States that have been imported since the first day of May, 1798; or shall hereafter be imported. It is no answer to this to say, that the slaves of a man migrating from one State to another, are not carried thither for the purpose of commerce or trade, but are a part of what has been called "his family." The power to regulate commerce, extends to every thing which is the subject of traffic, and is limited only by the nature of the article, not by the intention or views of the owner; or else, every law for the regulation of trade would become ineffectual—slaves may be carried for the purpose of selling, and even when this is not the original intention, they may nevertheless be sold, and a man after disposing of all his "family," may return and buy another family and afterwards sell it. They are articles of traffic, and that is enough; neither is it any answer to say, that the power in question is a power to be exercised by legislation, and not in the form of a condition to be prescribed to a particular State. If it exist at all, of which I hope there is now no doubt, we arrive, after this, I fear, very tedious investigation, at a result decisive of the present controversy. For, if the exposition given be correct,

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it will follow, that no State of the Union, having once abolished slavery, can re-establish it without the consent of Congress; and that it is no disparagement of the rights of a new State, to lay it under the same prohibition. There is, then, a precise and perfect equality.

But, notwithstanding any supposed ambiguity in the Constitution, arising from the cause I have adverted to, there are great leading points in that instrument, which were intended to stand out upon occasions like the present, as guides and marks to direct our steps, and it is a relief to ourselves, as well as a debt of justice to those who framed the Constitution, to keep them constantly in view. We can see there, plainly asserted, the political and personal equality of men; a deep and humiliating sense of the evil of slavery; a hope that it might at some time be abolished, and a determination as soon as possible to abolish it. From the date of the Constitution to the present moment, these have been the governing principles of this nation's conduct, and the present is the *first* effort to arrest a career urged equally by policy and humanity. If Missouri be permitted to establish slavery, we shall bring upon ourselves the charges of hypocrisy and insincerity, and upon the Constitution a deep stain, which must impair its lustre, and weaken its title to the public esteem. It is to no purpose, to say, that the question of slavery is a question of State concern. It affects the Union, in its interests, its resources and character, permanently; perhaps forever. One single State, to gratify the desire of a moment, may do what all the Union cannot undo; may produce an everlasting evil, shame and reproach. And why? Because it is a State right. Sir, you may turn this matter as you will; Missouri, when she becomes a State, grows out of the Constitution, she is formed under the care of Congress, and admitted by Congress; and if she has a right to establish slavery, it is a right derived directly from the Constitution, and conferred upon her through the instrumentality of Congress. We cannot escape from our share of the blame, and (which is infinitely worse) we cannot rescue the Constitution from the opprobrium which belongs to such a deed. That refined construction, which makes the Constitution a silent and acquiescing accessory, looking with undisturbed complacency upon what it professes to hold in detestation, may answer the purpose of argument here, but it can avail no where else. The judgment of mankind is not formed upon artificial distinctions like this. As surely as the tree is judged by its fruit, will the Constitution be judged by what it produces. I earnestly beseech gentlemen, then, to save the Constitution from a stain, which has never yet been fixed upon it, and with this entreaty, under the deepest and most sincere feeling, I leave it in their hands.

2. Upon the subject of the treaty of cession, I will detain the Committee but a short time. It has always appeared to me to be a proof of the weakness of the argument against the amendment, that it was obliged to resort for support, to this topic, because it supposes that the inhabitants of the Territory of Missouri have higher rights and

privileges than the citizens of any territory within the original limits of the United States. One gentleman says, indeed, that Missouri derives her right from Heaven. If so, there is an end to all question about the Constitution or the treaty, though it might be extremely difficult for some of us to understand how, from such a source, could be derived a lawful power to establish slavery.

If we are bound by treaty stipulations, it will be admitted that they must be fulfilled. The public faith is to be preserved inviolate, at every hazard of consequences. But, before we admit a construction so dangerous as that contended for, let us examine carefully the extent of our obligations.

There are none, I suppose it will be conceded, who can call the treaty to their aid, but those who were inhabitants of the ceded territory, and subjects of the ceding Power, at the time of the cession. In terms, the article in question applies only to them. Suppose it had all been vacant territory at the time of the cession, and since peopled by citizens of the United States, would it have been seriously asserted that they acquired any new or higher privileges or rights, by migrating to Louisiana? As to the original inhabitants themselves, it is a question, not of legislative, but of judicial cognizance; for a treaty is the supreme law of the land. The condition, however, such as it is, is not annexed to the *Territory*; it is a stipulation in favor of the free inhabitants, and, as to them, it has no application, after they have become incorporated into the Union, and are made citizens of the United States; they then become subject to the legislation of Congress. The distinction between the Territory and the inhabitants is so obvious as to be perceived at a single glance. The one is simply ceded, transferred in sovereignty, which places it exactly upon the same footing as any other Territory of the United States, without any condition. The other, that is, the free inhabitants, are also transferred, but with a stipulation, entirely personal, that *they* shall, as soon as possible, "be incorporated in the Union, and admitted to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States," and "in the *meantime* they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

How it was intended to make them citizens, I do not pretend to know. Certainly a treaty cannot confer the privileges of citizenship; that can only be done by the operation of an uniform naturalization law; and while it is acknowledged that the treaty-making power may rightfully bind us to do every thing which is within the Constitutional competency of any department of the Government, it can never be allowed to go further, for then it would transcend the Constitution itself. By what means these free inhabitants were to be made citizens, or at what time, are questions I need not now attempt to answer. There is some difficulty in them, undoubtedly. This difficulty it was, or rather the impossibility of bringing the inhabitants into the Union, by any process unknown to the ordinary legislation, that occasioned, in the first place, the qualification of the engage-

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ment "as soon as possible," which may be fairly interpreted to mean "as soon as our Constitution would permit;" and, in the next place, the stipulation that, until they should become citizens, they should be maintained and protected in the enjoyment of their liberty, property, and religion. From the moment they are incorporated, (this is the precise import of the treaty,) they are to be upon the same footing with all other citizens of the United States. Till then, they are aliens, but are not to be prejudiced by their alienage.

Did we mean to permit any foreign Power to intermeddle with our internal concerns? The sanction of treaties is in the ability of those who make them, to enforce the observance of the stipulations they contain. Were our negotiators so unwise, were the President and Senate so forgetful of their duty, as to make and ratify a treaty by which our own citizens were enabled to appeal from this Government to a foreign Power, and call in its interference, by war, if necessary, to settle their rights? Such a supposition is entirely inadmissible. This article was probably proposed by our own negotiators; if it was not, it was a most unequal and tribute, from the other high contracting party, of respect for our Constitution and laws; for it admits that no further security was necessary for the protection of their ceded subjects. But did it mean to give to the free inhabitants of Louisiana any peculiar rights of property, higher or greater than those enjoyed by other citizens, after they should become citizens of the United States? It was beyond the treaty-making power to grant or to contract to that extent. Will it be admitted that it was necessary for the security of the citizen that to the Constitution should be superadded the obligations of a treaty, and that to the principles of our Government must be joined the right of calling in a foreign Power? Why, sir, I have heard it said in this debate that the treaty not only gives rights to those who inhabited the Territory, but also to our own citizens who have migrated thither since the cession. The doctrine thus asserted appears even more objectionable than that I have alluded to; but it is only worse in appearance, for in both cases it supposes an appeal to a foreign Power, from our own citizens, against the Government.

What are the "rights, advantages, and privileges," of a citizen of the United States, which are guarantied to the inhabitants of Louisiana? They are the same throughout the United States. They are, therefore, independent of local rights, or those which depend upon residence in a particular place. An inhabitant of a State has certain privileges arising from his inhabitancy of the State. An inhabitant of a Territory, too, has certain privileges, which arise from his living in a Territory. A citizen of the United States who resides neither in a State or Territory, but is out of the limits of the Union, enjoys neither the privileges of a State or Territory; but he possesses the rights, privileges, and immunities, of a citizen of the United States, which are common to all the three descriptions of persons. When an inhabitant of Louisiana is made a citizen of the United

States he becomes entitled to the "rights, advantages, and immunities," of a citizen. He carries them with him wherever he goes; if he is in a State, he may add to them State privileges; if he is in a Territory, he may enjoy the rights of an inhabitant of a Territory; in either, or beyond the limits of both, he is still a citizen of the United States, and upon an equal footing with any other citizen.

It has been argued, indeed, that they are to be incorporated into the Union, and that this cannot be done without forming them into a State or States. Should we admit this argument to its full extent it would leave us exactly where it found us, for, as they are to be incorporated (by the express terms of the treaty) "according to the principles of the Federal Constitution," we should still be obliged to return to the Constitution to inquire upon what terms States are to be admitted. And certainly the plain answer would be, that they are to be admitted upon the same terms as other Territories of the United States. But the fallacy of the argument lies in applying to the territory (which is ceded in full sovereignty) what was intended only for the inhabitants. Nothing more is necessary to enable us to detect the fallacy than to trace it to some of its consequences. What right, upon the construction contended for, had we to postpone the admission for a single day? Why, gentlemen will say, the Territory had not the requisite number of inhabitants. But no number of inhabitants is necessary, except by the practice under the Constitution, and that same practice gives us certain other powers, which need not now be mentioned, including the very one in question. Again, sir, according to this hypothesis, what authority had we to divide this great Territory; why not admit it all as one State? They will say it was too large for a single State. True; but the Constitution has not ascertained the size of a State, nor has it even been settled in practice, for we have States of all sizes, from 70,500 square miles, (Virginia,) to 1,548 square miles, (Rhode Island.) The truth is, and it is vain to attempt to disguise it, that the common understanding of all parties has long ago fixed the interpretation of the treaty upon a footing not now to be disturbed. This Territory, like every other Territory of the United States, is subject to the power of the Government, to be opened for sale; to be settled, divided and subdivided, and regulated, according to its policy; and finally to be formed into States and admitted when it may be deemed expedient.

While I am upon this subject of the treaty I wish to examine it with a different view, and at the same time to show the enormous extent of the doctrine contended for, which will, I think, afford a strong argument in favor of the right of Congress to impose the restriction. Whence did the treaty-making power derive its authority to purchase lands, and freemen, and slaves? From any express words of the Constitution? No. It must then be implied; and implied from what? Either from the possession of sovereign authority, to which it is an incident, or, from the broad terms of the grant, which is to make treaties, upon the ground

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that treaties may stipulate for a purchase of territory. It is then a sort of implied power. And what is next implied? That the territory thus acquired is to be upon a different footing from any other territory of the United States, and that Congress must form States of it, and must admit them. There, sir, the implication all at once stops short. No conditions are to be imposed; no terms offered; no stipulations entered into, however salutary or even indispensably necessary for the welfare of the Union. No—you are not even to require them to have their legislative and judicial proceedings in intelligible language. The whole policy of the nation is to yield to the views and interests of the inhabitants of the Territory, who are, notwithstanding, to become an integral part of the Union, and have a full voice in your deliberations. What is your treaty-making power then? Paramount to all the authorities of the nation; paramount to the Constitution itself; paramount even to the people.

Try this principle by any practical test, and see where it will lead us. The United States have no power (it is contended) to prevent or limit slavery, and they have no power to stop migration. You have purchased a territory nearly equal in extent to all the original States. A single plantation may inoculate the whole with this odious disease. The 50,000 slaves in Louisiana may blacken the country from the Mississippi to the Pacific. What becomes of the free States then? For every five slaves there are three votes, and the time may come when the voice of the slaves, in the councils of the nation, will be louder than that of the freemen. Heaven forbid! for if it should, what would be the condition of those who live in the free States? There is something humiliating in labor—in the labor of getting a living—and it is scarcely to be expected that the master of an hundred slaves should have any feelings in common with him who earns his bread by his daily work. What becomes of the compact of the Constitution itself, settled, as it was, upon the basis of the existing States, and of the States to be formed out of the Northwest Territory, whose condition, as respects slavery, was irrevocably fixed? The sense of that compact is entirely changed. Its form may remain, but the substance, the life of it, is gone for ever. The same principle, too, (for it is indefinite in its capacity,) may be applied to future acquisitions. War or negotiation, conquest or treaty, might bring the island of Cuba within the limits of the Union. But I am satisfied, and I hope the Committee are satisfied, that the treaty has nothing to do with the question. I discard it altogether.

I will now, with the leave of the Committee, proceed to the remaining branch of this very interesting subject, or what is called the question of expediency.

It is decreed that slavery shall be a very great evil, and, as has been already remarked, one of its incidents is, that where it exists, it can never be fairly or freely discussed. It must be taken up at a certain point, which admits every thing that goes before, and among the rest (in the qualified

sense) the lawfulness of its origin and existence. I will not disturb this arrangement, but I must be permitted to say that slavery is a great moral and political evil. If it be not, let it take its course; if it be good, let be encouraged; if it be an evil, I am opposed to its further extension. This is a plain, simple, clear, intelligible ground. Most of those who have opposed the amendment have agreed with us in characterizing slavery as an evil and a curse, in language stronger than we should perhaps be at liberty to use. One of them only, the member from Kentucky, who last addressed the Committee, (Mr. CLAY,) rather reproves his friends for this unqualified admission. He says it is a very great evil indeed to the slave; but it is not an evil to the master; and he challenges us to deny that our fellow-citizens of the South are as hospitable, as generous, as patriotic, as public spirited, as their brethren of the North or East. Sir, they are all this, and even more. For some of the virtues enumerated they are eminently and peculiarly distinguished; and I believe they are deficient in none of them. It has long ago been remarked that the masters of slaves have the keenest relish for their own liberty, and the proudest sense of their own independence. It is natural that it should be so; the feeling is quickened by the degrading contrast continually before them. But it seems to me that the concession with respect to slavery, modified as it is in appearance, is quite as broad as the unlimited admission of every one else who has spoken. It is an evil to the slave; it is an evil founded in wrong, and its injustice is not the less because it is advantageous to some one else. Every injury, from the least to the greatest, might find the same sort of mitigation. It is a very great evil to him who suffers, but it is no evil to him who inflicts it. The same gentleman, however, has himself made the most unqualified concession; for he said he would recommend to the people of Missouri to abolish slavery, and that, in his own State, he would favor a general emancipation, as soon as it should be practicable, which he would not do if it were not an evil.

I beg leave further to say, that I do not consider this as a question of humanity, or a question of policy, or interest, or profit or ease; it is, disguise it or argue it as you will, a question of the extension of slavery. It is a question, too, not for the present only, but for future ages; and the glorious example of our ancestors admonishes us to make the sacrifice, if sacrifice it be, as we would have the blessings or the curses of posterity. Why should we spread an acknowledged evil? Is there any other moral or physical evil that we should think it wise or expedient to treat in this way? Would you cultivate the growth and enlarge the noxious influence of a poisonous weed? Would any father so treat his offspring, even in this very instance? If he were surrounded with slaves whom he believed to be an injury and a curse to him, would he require his son at setting out in life to relieve him, by taking upon himself a part of the odious burden?

Besides, it is an evil founded in wrong, and originating in our choice. The extension of it, there-

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fore, is not to be justified but by the most urgent and instant necessity, so evident that every man will at once agree to submit to its imperious dictates. I reject all speculative, or probable, or modified, or remote necessity; that which resolves itself at last, when fairly analyzed, into a matter of profit, of convenience, or comparative political power. If there be doubt it is decisive, even though there were considerable weight of probability in favor of the argument, I would decide against it. Has any one seriously considered the scope of this doctrine? It leads directly to the establishment of slavery throughout the world.

The same reasoning that will justify the extension of slavery into one region of the country, will justify its extension to another. It leads, too, directly to the re-establishment of the foreign slave trade, for it has a tendency to break down that great moral feeling which has been gradually making its way in the world, and to which alone, supported and encouraged as it has been by the untiring exertions of humane and benevolent men, we are indebted for the abolition of that detestable traffic, so long the disgrace of christendom. To look upon slavery with indifference, to witness its extension without emotion, to permit one's self to calculate its advantages—Sir, the next step, and a very short one it is, may be readily imagined. There are parts of this country now, at this very moment, where the laws against the importation of slaves, with all their heavy denunciations, are continually violated. It is notorious that, in spite of the utmost vigilance that can be employed, African negroes are clandestinely brought in and sold as slaves. This could not happen if there were a universal sentiment against the trade; the existence of the illicit traffic to any extent, however small, affords the fullest proof that in those parts of the Union, where it continues to be carried on, it meets encouragement from the feelings and the interests of some part of the community. Far be it from me to impute these feelings to any State, or to any considerable part of a State. But the sordid appetite exists, or such inhuman means would not be employed to gratify it.

We are told, however, that it is no extension, it is only diffusion, that is to be the effect.

I confess I do not well understand the distinction. The diffusion of slaves is an extension of the system of slavery, with all its odious features, and if it were true, as it certainly is not, that their numbers would not be increased by it, still, it would be at least impolitic. But, for what purpose is this diffusion to be encouraged? To disperse and weaken and dilute the morbid and dangerous matter, says one. To better the condition of the slaves by spreading them over a large surface, says another. A third tells us, that we cannot justly refuse to permit a man to remove with his family. A fourth comes directly to the question of interest, and his reason is, that land in the State of Missouri has been bought by individuals upon the faith of its being a slave State, and if we prohibit slavery there, these lands will fall in value. And in the rear of all these, comes an appeal to the public interest, in the shape of a suggestion, that slavery

must be permitted in order to maintain the price of the public lands.

I would ask gentlemen seriously to examine their hearts, and see if they are not deceiving themselves—I am sure they mean not to deceive others. Do they remember the arguments by which the slave trade was so long and so obstinately defended in England? The triumph of humanity there is quite recent, and the contest is a monument of the zeal and ingenuity that may be enlisted in a cause, which we all agree to have been utterly indefensible, and which no man having a respect for himself would now have the hardihood to attempt to defend. The arguments then employed, I am sorry to say, have too much resemblance to those which are urged upon this question of expediency. The debates in Parliament, the memorials from Bristol and Liverpool, the representations of West India merchants, and ship owners, and owners of West India plantations, were filled with statements of the importance of the traffic to the navigation and trade, and revenue, and colonies, and all the other great interests of the Kingdom. Yes, sir, and they undertook to strengthen their argument by gravely asserting that the African slave was really rescued from much greater misery, by putting him on board a slave ship and carrying him in irons, if he happened to survive, to the place destined for his perpetual imprisonment. These things are familiar to everybody, and they are now treated as they deserve to be.

But it is only diffusion that is desired. Is this a reasonable desire? But little more than thirty years have elapsed since the Constitution was adopted. Two States of this Union (South Carolina and Georgia) then insisted upon reserving, for twenty years, the privilege of supplying themselves with slaves from abroad, and refused to come into the Union unless Congress were prohibited, during that time, from preventing importation. Congress were accordingly prohibited, and scarcely ten years have elapsed since the prohibition ceased. Can they reasonably ask already to be permitted to diffuse what they were then so anxious to possess? Are they so soon overburdened? It cannot be, for the illicit trade is still carried on, and that would end at once, if there were not a demand and a market.

I may be told, and told with truth, that the other slaveholding States are not exposed to the same remark. Of Virginia, especially, it gives me pleasure to speak on this subject, with sincere respect. While yet a colony, she remonstrated against the introduction of slaves. One of the earliest acts of her government, after her independence, put an end to the trade; and it has always been understood, to her honor, that, in convention, her voice and her most strenuous exertions were employed in favor of the immediate abolition of the traffic. Still, sir, with respect to any or all the slaveholding States, I may be allowed to ask, is diffusion now necessary? I think it is not. Look at the present price of slaves. Does that indicate an actual increase of their numbers to such an amount as to require diffusion? I am informed by a gentleman, upon whose accuracy I place great reliance,

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that, from the adoption of the Constitution to the present time, the price has been regularly advancing. I do not mean to say that it is as high now as it was a year ago. It was then, like every thing else, affected by speculation. But taking average periods, say of five or six years, there has been a regular and constant advance, manifesting a demand at least equal to the supply.

Take another and a larger view. Look at the extent of territory occupied entirely by freemen, and that which is occupied by freemen and slaves. You will find that at the time of the last census, in 1810, 444,070 square miles were inhabited by 2,333,336 free persons, and 1,138,360 slaves, giving a total of 3,471,696. At the same period, 3,650,101 free persons had for their portion 312,736 square miles. Such was then the comparative extent and population of the free States, and of the slaveholding States and Territories; the latter, with fewer inhabitants by almost two hundred thousand, possessing above one hundred and thirty thousand square miles of land more than the former; a tract of country equal in size to the two largest States in the Union. The population in the free States we know increases with greater rapidity than in the slaveholding States. At the present time, it is not to be doubted that the disparity is greater than it was in 1810, and more unfavorable to the free inhabitants. In making the distribution of future comforts, we ought to have at least an equal eye to the latter, and they, I think, from this statement, are most likely soon to want room to diffuse.

If it were not dwelling too long upon this part of the subject, I would ask gentlemen to look also at the comparative statement of the population to the square mile in the free States, and in the slaveholding States. They will find it in Dr. Seybert's work, (page 45.) If I mistake not, the average of the former was 27.56, and of the latter, 15.36—applying the computation to the States contained in the table. These facts sufficiently answer the question whether diffusion of the slave population is now necessary.

I am fully convinced, however, that this idea of *diffusion* (as distinguished from *extension*, which is at present so great a favorite) is altogether founded in error. If the amount of the slave population were fixed, and it could not be increased, it would no doubt be correct to say, that in spreading it over a larger surface, you only diffused it. But this is certainly not the case. We need not recur for proof or illustration to the laws that govern population. Our own experience unhappily shows that this evil has a great capacity to increase; and its present magnitude is such as to occasion the most serious anxiety. In 1790, there were in the United States 694,280 slaves; in 1800, there were 889,881; and in 1810, 1,165,441. This is a gloomy picture. The arguments of gentlemen on the opposite side admit that an increase will take place; for they are founded upon the belief that the time must arrive when the slaves will be so multiplied as to become dangerous to their possessors. There are indeed no limits to the increase of population, black or white, slave or free, but those which de-

pend upon the means of subsistence. By enlarging the space, generally speaking, you increase the quantity of food, and of course you increase the numbers of the people. Our own illustrious Franklin, with his usual sagacity, long ago discovered this important truth. "Was the face of the earth (he says) vacant of other plants, it might be gradually sowed and overspread with one kind only; as for instance with fennel; and were it empty of other inhabitants, it might in a few ages be replenished from one nation only; as for instance with Englishmen." If this does not exactly happen, it is only because in their march they are met and resisted by other plants and by other people, struggling like themselves for the means of subsistence.

By enlarging the limits for slavery, you are thus preparing the means for its indefinite increase and extension; and the result will be to keep the present slaveholding States supplied to their wishes with this description of population, and to enable them to throw off the surplus, with all its productive power, on the West, as long as the country shall be able and willing to receive them. To what extent you will in this way increase the slave population, it is impossible to calculate; but that you will increase it there can be no doubt, and it is equally certain that the increase will be at the expense of the free population.

The same gentleman, to whom I have several times referred before, (Mr. CLAY,) insists that this will not be the case. He says, that the ratio of increase of slave population shows that its activity is now at the maximum; and, as this implies the existence of the most favorable circumstances, you cannot by any change, accelerate the increase. He therefore infers, that if from twenty slaves in an old State you take two, and transfer them to a new one, it is an actual diminution in the State from which they are taken to that amount; and putting the two States together you simply change the place, but do not alter the quantity. Supposing the fact to be as it is here assumed to be, that the activity of increase is now at its maximum, it forms a most conclusive argument against the necessity of diffusion. It proves that there is ample room and abundant means of subsistence within the limits that now circumscribe the slave population, and that no enlargement of these limits is necessary. But, sir, we must look a little into the future. Legislation on this subject is not merely for the moment we occupy. The whole scope of the argument against us is founded upon the belief that the time must come when the slaves will be straitened in the Territory, large as it is, which now confines them. When that time shall arrive, I presume it will not be denied that their numbers will be increased by enlarging the space for them; and then, certainly, you will have extended slavery in every sense.

Will it be such a dispersion as the gentleman from Virginia (Mr. SMYTH) has talked of? If, like prisoners of war, (one of the cases he has mentioned,) they were to be detained for a limited time, and then set at liberty; or if they were to be mixed in society, and gradually lose their distinct-

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ive character in the mixture, dispersion would be highly expedient and just. But, they are negroes and slaves—so they are to continue.

Their descendants are to be negroes and slaves to the latest generation, and for ever chained to their present condition. Nature has placed upon them an unalterable physical mark, and you have associated with it an inseparable moral degradation, either of which opposes a barrier not to be passed, to their coalescing with the society that surrounds them. They are, and for ever must remain, distinct.

And now, let me ask gentlemen where this diffusion is to end? If circumstances require it at present, will not the same circumstances demand it hereafter? Will they not, at some future time, become straitened in their new limits, however large? And what will you do then? Diffuse again—and what then? Even this diffusion will have its limits, and when they are reached, the case is without remedy and without hope. For a present ease to ourselves, we doom our posterity to an interminable curse. But, we seem to forget altogether, that while the slaves are spreading, the free population is also increasing, and, sooner or later, must feel the pressure which it is supposed may at some time be felt by the slaves. Where you place a slave, he occupies the ground that would maintain a freeman. And who, in this code of speculative humanity, making provision for times afar off, is to have the preference—the freeman or the slave?

In this long view of remote and distant consequences, the gentleman from Kentucky (Mr. CLAY) thinks he sees how slavery, when thus spread, is at last to find its end. It is to be brought about by the combined operation of the laws which regulate the price of labor and the laws which govern population. When the country shall be filled with inhabitants, and the price of labor shall have reached a minimum (a comparative minimum I suppose is meant) free labor will be found cheaper than slave labor. Slaves will then be without employment, and, of course, without the means of comfortable subsistence, which will reduce their numbers, and finally extirpate them. This is the argument, as I understand it. When the period referred to will arrive, no one can pretend to conjecture. Much less, would any one attempt to say, what number of slaves we shall have (with the previous encouragement proposed to be given to them) when this severe law shall begin to operate. But every prudent and feeling man will, I think, agree, without hesitation, that he would rather see the experiment tried upon a small scale than a large one—that it would be more easily and safely conducted, and with much less suffering, in the present slaveholding States, than if it were to embrace in addition the whole of the great territory beyond the Mississippi. But, let me ask that gentleman, what he supposes will happen in the mean time? The diminished price of labor, and the reduced means of subsistence, are, according to this theory, first to operate upon the freemen, and then upon the slaves, and upon both by producing a considerable degree of misery.

Does he suppose that they will patiently submit, and wait till the slow destruction arrives? The two great classes, kept distinct by your laws, would, in such a struggle, like two men upon a single plank in the ocean, make a desperate effort each to secure to itself existence, by destroying the life of the other. When want and misery begin to press upon them, instinct will teach them how to seek relief, and deadly violence will be its agent. And what would then be the situation of the country? I shudder even to think of it. The present slave-holding States have a security in being surrounded by States that are free. But if the whole nation, or even a considerable part of it, were in the same condition, what security should we then have?

Again, sir, we are told that the amendment in question will injure the rights of property, by depriving the owners of slaves of their unborn descendants, and by lessening the value of their lands, bought upon the presumption that Missouri would be a slave State. Sir, we have no right to meddle with the question of slavery in the existing States. Their own laws must regulate the subject, and they may modify it as to them shall seem best. But, as a general position, independently of State provisions, it may safely be averred, that no man has a property in an unborn human being. We need not go far for the proof of this. The States that have abolished slavery have done so by declaring that the children to be born should be free, which would have been beyond their power if there had been a property in the children before their birth. This principle, however, is so well established that it need not be further insisted upon. The depreciation in the value of land is a consequence not likely to happen. The reverse will be the case. Let any one compare the prices and the improvement of land in the free States and the slaveholding States, and he will be satisfied that, in this, as in every other respect, Missouri will be a great gainer by the restriction. But, if it were otherwise, is the great policy of the nation, in a point so vital—are the essential interests of justice and humanity, to yield to the pecuniary interests of a few individuals? Can you always avoid doing a partial injury by your public measures? When war is declared, what is the effect upon the merchant? When peace is made, how does it fare with the manufacturer? You cannot even alter the rate of a duty without affecting some interest of the community, either to its prejudice or benefit, and, at last, you must come to the consideration of the great question of national concern, to which minor considerations must give way.

In the variety of claims that have been pressed upon us, there is but a single one which deserves a moment's attention. It is that which arises out of the inquiry, so often repeated, Will you not suffer a man to migrate with his family? Those who have been accustomed to the labor and service of slaves, it is not to be denied, cannot at once change their habits, without feeling, at least, a great deal of inconvenience. It is also true, that the associations which have been formed in families cannot be broken up without violence and injury to

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both the parties; and in proportion as the authority has been mild in its exercise, will the transfer of it to other hands be advantageous, especially to the servant. But, it is impossible to make a discrimination, or to permit the introduction of slaves at all, without giving up the whole matter. If you allow slavery to exist, you must allow it without limits. The consequence is, that the State becomes a slave State. Free labor and slave labor cannot be employed together. Those who go there must become slaveholders, and your whole system is overturned. Besides, if the limited permission did not, of itself, produce the evil, to an unlimited extent, (as it certainly would,) it is liable to abuses, beyond all possibility of control, which would inevitably have that effect. The numbers of a family are not defined; the number of families of this sort, which a single individual may have, cannot be fixed. It is easy to see how, under color of such permission, a regular trade might be established, and carried on, as long as there was any temptation of profit or interest. This argument, however, has been pressed, as if a prohibition to go with slaves was, in effect, a prohibition to the inhabitants of a slaveholding State to go at all. I cannot believe this to be the case. They may go without slaves; for, though slaves are a convenience and a luxury to those who are accustomed to them, yet the inhabitants of the slaveholding States would hardly admit that they are indispensably necessary. Besides, they may take their slaves with them as free servants. But, look at the converse. The introduction of slavery banishes free labor, or places it under such discouragement and opprobrium as are equivalent in effect. You shut the country, then, against the free emigrant, who carries with him nothing but his industry. There are large and valuable classes of people who are opposed to slavery, and cannot live where it is permitted. These, too, you exclude. The laws and the policy of a slave State will, and must be, adapted to the condition of slavery, and, without going into any particulars, it will be allowed that they are in the highest degree offensive to those who are opposed to slavery. It seems to me, sir, I may be pardoned for so far expressing an opinion upon the concerns of the slaveholding States; it seems to me that the people of the South have a common interest with us in this question—not for themselves, perhaps, but for those who are equally dear to them. The cultivation by slaves requires large estates. They cannot be parcelled out or divided. In the course of time, and before very long, it will happen that the younger children of Southern families must look elsewhere to find employment for their talents, and scope for their exertion. What better provision can they have than free States, where they may fairly enter into competition with freemen, and every one find the level which his proper abilities entitles him to expect? The hint is sufficient. I venture to throw it out for the consideration of those whom it concerns.

But, independently of the objections to the extension, arising from the views thus presented by the opponents of the amendment, and independently of many much more deeply-founded objec-

tions, which I forbear now to press, there are enough, of a very obvious kind, to settle the question conclusively. With the indulgence of the Committee, I will touch upon some of them.

It will be remembered that this is the first step beyond the Mississippi—the State of Louisiana is no exception, for there slavery existed to an extent which left no alternative—it is the last step, too, for this is the last stand that can be made. Compromise is forbidden by the principles contended for on both sides. Any compromise that would give slavery to Missouri is out of the question. It is, therefore, the final, irretrievable step, which can never be recalled, and must lead to an immeasurable spread of slavery over the country beyond the Mississippi. If any one falter; if he be tempted by insinuations, or terrified by the apprehension of losing something desirable; if he find himself drawn aside by views to the little interests that are immediately about him, let him reflect upon the magnitude of the question, and he will be elevated above all such considerations. The eyes of the country are upon him; the interests of posterity are committed to his care; let him beware how he barter, not his own, but his children's birthright, for a mess of pottage. The consciousness that we have done our duty is a sure and never failing dependence. It will stand by us and support us through life, under every vicissitude of fortune, and in every change of circumstances. It sheds a steady and a cheering light upon the future as well as the present, and is at once a grateful and a lasting reward.

Again, sir, by increasing the market for slaves, you postpone and destroy the hope of extinguishing slavery by emancipation. It seems to me that the reduction in the value of slaves, however accomplished, is the only inducement that will ever effect an abolition of slavery. The multiplication of free States will, at the same time, give room for emancipation, or, to speak more accurately, for those who are emancipated. This, I would respectfully suggest, is the only effectual plan of colonization; but it can never take effect while it is the interest of owners to pursue their slaves with so much avidity, or to pay such prices for them. Increase the market, and you keep up the value; increase the number of slaveholding States, and you destroy the possibility of emancipation, even if every part of the Union should desire it. You extend, indefinitely, the formidable difficulties which already exist.

Nor does the mischief stop here. All liberal minds, and all parts of the Union, have, with one voice, agreed in the necessity of abolishing that detestable traffic in human flesh, the slave trade—the foreign slave trade. But, reject the amendment on your table, admit Missouri without restriction, and you will inevitably introduce and establish a great inland domestic slave trade, not, it is true, with all the horrors of the middle passage, nor the cold-blooded calculation upon the waste of human life in the seasoning, but still with many of the odious features, and some of the most cruel accompaniments of that hateful traffic. From Washington to St. Louis may be a distance of one

thousand miles. Through this great space, and even a much greater, you must witness the transportation of slaves, with the usual appendages of handcuffs and chains. The ties of domestic life will be violently rent asunder, and those whom nature has bound together, suffer all the pangs of an unnatural and cruel separation. Unfeeling force, stimulated by unfeeling avarice, will tear the parent from the child, and the child from the parent—the husband from the wife, and the wife from the husband. We have lately witnessed something of this sort during the period of high prices. Gentlemen of the South, particularly those from Virginia, who speak of their slaves as a part of their family, would start at this. They would reject, with scorn and indignation, even a suggestion, that they were to furnish a market for the supply of slaves to the other States. I can well believe, that in families where the relation has long subsisted, there are feelings that would revolt at such a thought; feelings that have considerably modified this severe condition, and grown out of the association it has, in a long course of time, produced. But can any one tell what cupidity may win or necessity extort? No man is superior to the assaults of fortune; and if he were, the stroke of death will surely come, and break down his paternal government, and then the slave-dealer, whom he would have kicked from his enclosure, like a poisonous reptile, presents himself—to whom? He cannot tell. Thoughts like these have often, I doubt not, produced the liberation of slaves. If gentlemen question our sincerity, let them consider at what period of life it is, that emancipation most frequently takes place. It is at that serious moment when men sit down to settle their worldly concerns, and, as it were, to take their leave of the world. Then it is, by the last will, to take effect, when their own control is ended, that owners restore their slaves to freedom, and, by what they certainly consider an act of justice, surrender them to themselves, rather than leave them to the disposal of they know not whom. Let gentlemen from the South reflect on this. The public sentiment, upon the subject of slavery, is every where improved, and still improving. It has already destroyed that monstrous inhumanity called the slave trade. I fear that such a measure as is now proposed by the opponents of the restriction would not merely check and retard its progress. I seriously fear that it may gradually work an entire change. The effects are not to be contemplated without the deepest anxiety.

The political aspect of the subject is not less alarming. The existence of this condition among us continually endangers the peace and well being of the Union by the irritation and animosity it creates between neighboring States. It weakens the nation while it is entire: and, if ever a division should happen, can any one reflect without horror upon the consequences that may be worked out of an extensively prevailing system of slavery? We are told, indeed, both in the House and out of it, to leave the matter to Providence. Those who tell us so are, nevertheless, active and eager in the smallest of their own concerns, omitting nothing

to secure success. Sir, we are endowed with faculties that enable us to judge and to choose; to look before and after, however imperfectly. When these have been fairly and conscientiously exerted, we may then humbly submit the consequences, with a hope and belief, that, whatever they may be, they will not be imputed to us. The issue of our counsels, however well meant, is not in our hands. But if, for our own gratification, regardless of all considerations of right or wrong, of good or evil, we hug a vicious indulgence to our bosom until we find it turning to a venomous serpent, and threatening to sting us to the heart, with what rational or consoling expectation can we call upon Providence to tear it away and save us from destruction?

It is time to come to a conclusion; I fear I have already trespassed too long. In the effort I have made to submit to the Committee my views of this question, it has been impossible to escape entirely the influence of the sensation that pervades this House. Yet, I have no such apprehensions as have been expressed. The question is, indeed, an important one; but its importance is derived altogether from its connexion with the extension, indefinitely, of negro slavery, over a land which I trust Providence has destined for the labor and the support of freemen. I have no fear that this question, much as it has agitated the country, is to produce any fatal division, or even to generate a new organization of parties. It is not a question upon which we ought to indulge unreasonable apprehensions, or yield to the counsels of fear. It concerns ages to come and millions to be born. It is, as it were, a question of a new political creation, and it is for us, under Heaven, to say what shall be its condition. If we impose the restriction, it will I hope be finally imposed. But if hereafter it should be found right to remove it, and the State consent, we can remove it. Admit the State, without the restriction, the power is gone forever, and with it are forever gone all the efforts that have been made by the non-slaveholding States to repress and limit the sphere of slavery, and enlarge and extend the blessings of freedom. With it, perhaps, is gone forever, the power of preventing the traffic in slaves, that inhuman and detestable traffic, so long a disgrace to Christendom. In future, and no very distant times, convenience, and profit, and necessity, may be found as available pleas as they formerly were, and for the luxury of slaves, we shall again involve ourselves in the sin of the trade. We must not presume too much upon the strength of our resolutions. Let every man who has been accustomed to the indulgence, ask himself if it is not a luxury, a tempting luxury, which solicits him strongly and at every moment. The prompt obedience, the ready attention, the submissive and humble, but eager effort to anticipate command—how flattering to our pride, how soothing to our indolence! To the members from the South, I appeal to know whether they will suffer any temporary inconvenience, or any speculative advantage to expose us to the danger. To those of the North, no appeal can be necessary. To both, I can most sincerely

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say, that, as I know my own views on this subject to be free from any unworthy motive, so will I believe that they likewise have no object but the common good of our common country, and that nothing would have given me more heartfelt satisfaction than that the present proposition should have originated in the same quarter to which we are said to be indebted for the ordinance of 1787. Then, indeed, would Virginia have appeared in even more than her wonted splendor; and, spreading out the scroll of her services, would have beheld none of them with greater pleasure than that series which began by pleading the cause of humanity in remonstrances against the slave trade, while she was yet a colony, and, embracing her own act of abolition and the ordinance of 1787, terminated in the restriction on Missouri. Consider what a foundation our predecessors have laid, and behold, with the blessing of Providence, how the work has prospered! What is there, in ancient or in modern times, that can be compared with the growth and prosperity of the States formed out of the Northwest Territory? When Europeans reproach us with our negro slavery; when they contrast our republican boast and pretensions with the existence of this condition among us, we have our answer ready—it is to you we owe this evil; you planted it here, and it has taken such root in the soil that we have not the power to eradicate it. Then, turning to the West, and directing their attention to Ohio, Indiana, and Illinois, we can proudly tell them these are the offspring of our policy and our laws, these are the free productions of the Constitution of the United States. But if, beyond this smiling region, they should descry another dark spot upon the face of the new creation—another scene of negro slavery, established by ourselves, and spreading continually towards the further ocean, what shall we say then? No, sir, let us follow up the work our ancestors have begun. Let us give to the world a new pledge of our sincerity. Let the standard of freedom be planted in Missouri, by the hands of the Constitution, and let its banner wave over the heads of none but freemen—men retaining the image impressed upon them by their Creator, and dependent upon none but God and the laws. Then, as our republican States extend, republican principles will go hand in hand with republican practice—the love of liberty with the sense of justice.

Then, sir, the dawn beaming from the Constitution, which now illuminates Ohio, Indiana, and Illinois, will spread with increasing brightness to the furthest West, till, in its brilliant lustre, the dark spot which now rests upon our country shall be forever hid from sight. Industry, arts, commerce, knowledge, will flourish, with plenty and contentment, for ages to come, and the loud chorus of universal freedom re-echo, from the Pacific to the Atlantic, the great truths of the Declaration of Independence. Then, too, our brethren of the South, if they sincerely wish it, may scatter their emancipated slaves through this boundless region, and our country, at length, be happily freed for ever from the foul stain and curse of slavery. And if (may it be far, very far distant) intestine com-

motion, civil dissension, division, should happen, we shall not leave our posterity exposed to the combined horrors of a civil and a servile war. If any man still hesitate, influenced by some temporary motive of convenience, or ease, or profit, I charge him to think what our fathers have suffered for us, and then to ask his heart if he can be faithless to the obligation he owes to posterity.

THURSDAY, February 10.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Angus O. Fraser, and others; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. SMITH, from the same committee, to which was referred the bill from the Senate, entitled "An act to remit the duties on a statue of George Washington," reported the same without amendment, and it was ordered to be read a third time to-morrow.

On motion of Mr. BUTLER, of Louisiana, the Committee on the Public Lands were directed to inquire into the expediency of confirming the inhabitants of the parish of Ouachita in their claim to three arpens, front, of land, situated at the junction of the Bayou Liard with the river Ouachita, which has been used by the inhabitants of said parish as a public burying ground.

Bills from the Senate of the following titles, to wit:

1. An act for altering the times for holding the court of the United States for the western district of Pennsylvania;
2. An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land; and,
3. An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef, were severally read twice and committed, the first to a Committee of the Whole, to-morrow, the second to the Committee on Private Land Claims, and the latter to the Committee of Ways and Means.

THE MISSOURI BILL.

The House went into Committee of the Whole on the Missouri bill.

Mr. SERGEANT occupied nearly three hours in continuation of the argument which he commenced yesterday in support of the Missouri restriction—the whole of which is given in preceding pages. When Mr. S. had concluded—

Mr. P. P. BARBOUR, of Virginia, addressed the Committee as follows:

Mr. Chairman: In rising to address you at this time, I feel that I labor under great disadvantages. I am about to embark in the discussion of a subject which has already been greatly exhausted. I am about to do this too at a period of the day when talents of a higher order than I can pretend to would scarcely command attention. These circumstances are of themselves sufficiently discouraging; but the greatest difficulty of my situation consists in the frame of mind in which I fear the Committee have been left by the closing remarks of the member from Pennsylvania, (Mr. SER-

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GEANT,) who has just resumed his seat. He made such persuasive appeals to their feelings; he painted in such glowing colors of pathetic eloquence the horrors of slavery in general, and particularly the agonizing scenes of husbands separated from wives, and parents torn from children, that I fear the agitations of an excited sensibility will be unfriendly to the dispassionate investigation and correct decision of this great question.

If, sir, the cause which I have risen to defend, required talents like those which I have just described; talents which, by exciting the sympathies of the heart, cause the hearers to forget the allegiance due to the judgment, then, indeed, I should abandon the unequal, the hopeless contest, in which I should find myself engaged. But the duty which devolves on me is of a different kind: it is to endeavor, as far as I can, to allay the tumult of feeling which has just been excited, and then, in the language of plain truth, to attempt to convince your minds of the error of the gentleman's reasoning.

Let me, then, tell the gentleman that the picture which he has drawn of the suffering incident to domestic slavery in the South, is too strong; that he has shaded it too deeply, with the coloring of his own imagination; that, though we do keep the yoke of servitude on the necks of our fellow men, yet our humanity has lightened its pressure; that, though slavery, disguise it as you will, is still a bitter draught, yet the same humanity has lessened the bitterness of this draught, by the infusion into it of many drops of consolation; that, in fine, such has been the continually increasing melioration in the condition of that people amongst us, that they now in general experience the utmost degree of indulgence which is compatible with the relation of master and slave.

But, sir, I find that I am digressing from the subject which I rose to discuss. Are we now called to decide, as an abstract question, whether slavery is or is not justifiable? No, sir, that question had been long settled, before the formation of our Constitution: slavery existed in many of the States at that period; its existence and its continuance were recognised by that instrument; the States surrendered to the Federal Government no power over the subject, except after a given period, to prohibit the importation of slaves from abroad. I tell gentlemen, then, that this is neither the time nor the occasion for the discussion of the abstract justice or injustice of slavery. If we were called upon in our respective State Legislatures to decide upon its continuance or abolition; or if we were now in convention for the purpose of forming a new Federal Constitution—in either of these cases their arguments of that kind would have some application. But who are we, and what are our functions? We are the creatures of the Constitution, not its creators: we are called here to execute, not to make one. Let gentlemen, then, remember that it is not sufficient for them to show that slavery cannot be justified in itself; that it is, if you please, a moral and political evil; they will yet fail to maintain their ground, unless they can also show that the Constitution gives us power over it.

An example or two will furnish a better illustration of my idea, than general reasoning. Luxury is considered a great political evil in any State, but particularly in a Government like ours, whose stability depends upon the virtue of the people. Let us suppose that this political malady prevailed in an extreme degree in any one, or all of the States of this Union. Is there a member of this Committee who will undertake to say, that we could attempt to cure the evil by the passage of sumptuary laws? Again, sir, consider all those violations of morality and religion, which are the subjects of the criminal jurisprudence of the several States; they are all moral and political evils; and yet no member of this Committee will venture to affirm, that we can attempt to arrest them by our legislation; and why, sir? For the obvious reason that, though they are evils, and of a kind, too, which may vitally affect the stability and prosperity of the whole body politic, yet they are the subject of State legislation, over which no power has been transferred to us by the Constitution. Sir, as well might the British Parliament attempt to exercise its authority, in the correction of what it thought to be moral or political evil, in the several States; because, as it respects any subject, over which the Constitution has not given us power, we are as alien a government, in relation to the States, as is the British Government.

I have made these remarks for the purpose of disembarassing this question of extraneous difficulty; of showing what the question is not, that we may better understand what it is. The question is not, then, whether slavery is, in itself, an evil, but whether, supposing it to be such, we have the power to correct it, in relation to Missouri? The Committee will perceive, from my mode of stating the question, that I mean to discard from my consideration the inquiry into the humanity and expediency of the proposed restriction; I do this because ample justice has already been done by abler advocates than myself, to those views of the subject; and because, too, I can conceive no argument so strong, to prove the inexpediency of the measure, as will result from proving, as I hope I shall be able to do, that we have not the power to impose it. Let gentlemen reconcile it, if they can, with their ideas of humanity, to prevent an increase of slaves, by denying to them an increase of comforts; let them, if they can, reconcile it with their ideas of justice or expediency, to keep this vast country uncontaminated with slaves, for millions of freemen yet unborn, at the hazard of the happiness and safety of millions now existing: if, upon these points, they differ with me in opinion, they will at least agree in this proposition; that, under no circumstances, ought we to attempt to do that, which we have not power to do. That we have no power to impose this restriction, I shall attempt to prove, by showing, that it would be in direct violation of the Constitution, and of the treaty of cession from France, of 1803. Before, however, I enter particularly into the reasoning in support of the view which I have just mentioned, I beg leave to notice some remarks of the member from Pennsylvania, in relation to the

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construction of the Constitution. He told us that there was an increasing liberality in this respect; and that, particularly in relation to any measure of a beneficent character, he looked into that instrument with a desire to find the necessary power. Yes, sir, there is indeed liberality, and in an increasing degree; and I must be permitted to say, that we are extremely apt to think that we find that which we seek with a desire to find. The gentleman referred to some examples of this liberal spirit. I candidly own to you, sir, that I am filled with the most serious apprehensions, at the progress which we have already made, and which we seem disposed yet to make, in this respect; let us for a moment mark it. At one time a National Bank is proposed to be established; it is discovered that this will facilitate the collection of the public revenue; and hence, a power is derived to establish it, although a proposition was made in the Convention, to give the power of granting charters of incorporation, which did not pass;* at another time a great system of internal improvement is proposed; it is recommended by its beneficence, in annihilating space, and bringing nearer together the extremities of the Republic, by roads and canals; and from the power to declare war, is derived a power to establish military roads, although one of the schemes of government, proposed in convention, contained a proposition to establish military, as well as post roads, which prevailed only so far as relates to the latter.† Thus, sir, we have been continually advancing, step by step, in the enlargement of the rule of construction, and every previous decision becomes a precedent in aid of that which next follows. Whether we have yet arrived at the point marked by the limits of the Constitution, it seems to be impossible to say; for, as we advance, those limits, like our horizon, seem to recede; so that whatever step we have last taken, marks not the utmost verge of our power, but only the point to which construction, up to that time, has carried us. By the aid of construction, then, we find ourselves in possession of very large powers, and defined by very unsettled boundaries, in relation to the old States; if, in addition to this, we assume the power now claimed by gentlemen in relation to new States, which I shall attempt to show is entirely without boundary at all, then, indeed, I shall begin to think that parchment delineations of power are little else than form; that mankind have no ligaments strong enough to bind the hands of their fellow-men when in power. If the doctrine now contended for be true, let us not, as in other days we were wont to do, inquire what powers have we, but what have we not.

These remarks have been called forth by those which were made by the member who preceded me. I now beg leave to call your attention to the very question before us, and I will endeavor to subject it to the severest scrutiny of which I am capable. The bill before us proposes to authorize the people of Missouri to form a constitution and

State government. An amendment is offered to the bill, which requires of the proposed State, as a *sine qua non* to its admission into the Union, that it should by a compact, irrevocable without the consent of Congress, make a provision, the effect of which would be to prevent the further introduction of slaves into that State, and to emancipate the children of all those now there. And the question is, whether we have power to impose this condition, which the amendment proposes? The advocates of the amendment contend that we have the power; on our part it is contended that we have not.

The question being thus precisely stated, I will remind gentlemen, at the threshold of the discussion, that they hold the affirmative; that therefore the burden of proof devolves on them. I do not mention this from any apprehension of the weakness of my position; on the contrary, such is my confidence in its strength, that I feel I can with safety assume upon myself the burden of proof, when it belongs to my opponents; but I wish it to be distinctly understood, that I shall consider this as a gratuity on my part, and not an act of duty.

Both the members from Pennsylvania (Mr. HEMPHILL and Mr. SERGEANT) have relied much upon the ordinance of 1787, the sixth article of which forbids slavery in the Northwestern Territory, as showing the power of the Old Congress in relation to this subject. As this is anterior to the Constitution, and as it may somewhat conduce to system to observe a chronological order, I beg leave first to examine the character of that act, and what influence it ought to have upon this question. This celebrated act of the Old Congress has been called an usurpation. Gentlemen have expressed their astonishment at this epithet. I am prepared, from the most unquestionable authority, to prove the charge; and for that purpose I beg leave to read from the thirty-eighth number of the *Federalist* the following extract: "Congress (that is, the Old Congress) have undertaken to do more: they have proceeded to form new States; to erect temporary governments; to appoint officers for them; and to prescribe the conditions on which such States shall be admitted into the Confederacy. All this has been done, and without the least color of Constitutional authority." These, sir, are the words of a member (and, let me add, a distinguished member) of the Federal Convention; one who, after he had contributed to the formation of the Constitution, devoted eight years of his life to its actual administration. If then the Old Congress, in the enactment of that ordinance, acted without the least color of Constitutional authority, it is obvious that the act must be utterly void, as an act of legislation. Has it force in any other way? Gentlemen, conscious of this vital defect, have in effect conceded it, by resting its authority upon the footing of contract. They say, that, after the cession of Virginia, and the enactment of that ordinance, it was submitted to Virginia for her ratification, and that it was ratified. It has already been shown by the Speaker, both from the resolution of Congress and the act of the Virginia Legislature, that it was an

*See Journal of Federal Convention, p. 260. †Id. p. 75.

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alteration in the number and dimensions of the States to be carved out of that territory which was alone submitted, and which therefore was alone intended to be decided. But there are other insuperable objections to this ordinance, considered upon the footing of a contract, having any influence upon the present question.

It has been correctly said, that, to make a valid contract, there must be two parties. Now, though Virginia should be considered as having been competent, yet the Old Congress was not. I have shown you that they had not the least color of Constitutional authority over the subject. It follows, then, that they were as little competent to contract as to legislate in relation to it. But, again, sir; supposing the Old Congress to have been a competent contracting party, it is conceded on the other side that, considering the ordinance in the light of a contract, the assent of Virginia was indispensable to its validity. Now, sir, to make that at all analogous to the present case, it is necessary that France should give its assent to the proposed restriction of slavery; because France, having been the Power which ceded Louisiana, stands in the same relation to that country as Virginia did to the Northwestern Territory. Surely, then, there can be no weight due to this ordinance as a precedent, when we reflect that it emanated from men having no jurisdiction over the subject-matter to which it relates; and that too at a time anterior to the formation of our Constitution, which is the only source of our power, and which, I shall attempt to prove, clearly gives us none such as is contended for.

One gentleman, from Pennsylvania, (Mr. HEMPHILL,) attempted to derive some aid to his argument, from the Journal of the Federal Convention; he said, that, as the clause originally stood, it authorized Congress to admit new States upon the same footing with the original States; and, as these words are not found in the existing Constitution, he thence infers that it was intended to vest Congress with a discretionary power as to conditions; if the gentleman had examined the same clause, in its original shape, he would have found that it also contained this provision, "that Congress might make conditions with the new States, as to the existing public debt." Now, sir, the gentleman, I am sure, would not be willing to extend the inference on which he relies, to this part of the clause; because, if he did, the consequence would be that the new States would not be liable for their proportion of the public debt. The truth is, that both sets of words were omitted for the same reason. That is, because they were both necessary consequences of the admission, and they were, therefore, supererogatory. Many other examples might be found by examining the Journal, from which it was evident that particular expressions included in the first project of the Constitution, were omitted in the existing one, because they were necessarily embraced in the remainder of the same clause, or were the unavoidable result of the construction of the whole instrument. This argument, then, is utterly untenable.

I come now, sir, in the order of discussion, to the

Constitution itself; various provisions of that instrument have been relied upon, in support of the proposed measure; and, here, sir, the first remark to be made is this: That the friends of this restriction not only trace this power up to different principles, but to such as are utterly incompatible with each other; and in relation to which, therefore, the assertion of one is necessarily the refutation of the other. Some of the gentlemen say, that we are authorized to impose the restriction, by virtue of our legislative power; others say, we derive the authority from compact. I said that there was an incompatibility in their principles, and I will now endeavor to prove it. When we make a contract, we consult not our will only, but that of the other party also; and it is the concurrence of our wills, which can alone give being to a contract; but in legislation, our own will is the rule of our action; *voluntas stat pro ratione*—we speak to command—we command to be obeyed. Were I disposed to give a very strong example of the legislative style, I would quote the imperial edict, as given to us in the book of highest authority: "Cæsar Augustus sent forth a decree, saying, all the world should be taxed." We do not, indeed, use such a lofty style of imperial dictation; nor does the extent of the civilized world constitute the bounds of our dominion, as in the days of the second Cæsar; but our legislative power, within the lawful range of its authority, is just as unlimited, save only, that we are subject to the control which the exercise of a sound discretion and our responsibility to our constituents impose upon us. I repeat, then, that to attempt to maintain the legislative power, is to abandon the ground of compact; and *e converso*, to attempt to maintain the principle of compact, is to abandon the legislative power; because the one implies consent, as essential to its existence, whilst the other acts independently of all consent, in the execution of its own will. I will now, however, with the leave of the Committee, proceed to examine the several provisions of the Constitution which have been relied on, in the course of the discussion, with a view to support the one or the other of these principles. Before I do this, however, I must make this apologetic remark to the Committee, for referring to clauses which have been so often quoted: That the advocates of the restriction, having to maintain their principles, have selected their own texts of the Constitution, on which to comment; that, as my argument consists of a counter commentary to theirs, I am constrained to refer to the same texts from necessity.

The first which I shall examine, because it has been most relied on, is in these words: "New States may be admitted by the Congress into this Union." Now, say gentlemen, this provision is *permissive*, not *imperative*. That as Congress may, so they may not, admit; and as they may not admit, therefore they may, in their discretion, impose their own terms. On my part, it is contended that the power of Congress is limited to the simple alternative, of admitting or not admitting; that even this power is subject to the modification, that they have not the moral right to refuse admission to a

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territory, whose situation and circumstances fit it for admission.

I would illustrate my idea on this subject, by a reference to the powers of laying taxes and borrowing money. We have the power to obtain, either by taxation or loan, millions of dollars, if the Treasury were even full to overflowing; yet no man will say, that we have the moral right to do this, much less to menace a State or States with the exercise of this power, unless it, or they, would agree to some condition, injurious to their rights. But let us return to the clause. What is to be admitted? A State. Although much has been already said in relation to this word, I beg leave to add something more. The definition of the word *State*, in general, need not be resorted to, because it is to be defined here, in the sense in which it is used in the Constitution. There is no rule of construction so universal, as it respects laws, treaties, or constitutions, as this, that the same word repeatedly occurring in the same instrument, shall receive the same interpretation. Thus, sir, no one will deny, when both the Federal and State Governments are forbidden to pass bills of attainder, or *ex post facto* laws, that these terms mean the same thing, in each instance. Take another example, which comes nigher to the present question: Suppose, in the very clause now under consideration, it had, from abundant caution, been added, that the new States, upon their admission, should be entitled each to two Senators and their proper proportion of Representatives; no man would have doubted but that the Senators and Representatives must possess precisely the qualifications prescribed, in a previous part of the Constitution, to wit, a certain age, residence, and citizenship; and so, sir, of any other term in the whole instrument. Construct the word *State*, then, like all the other words in the Constitution, in the sense in which it is previously and repeatedly used, and there would at once be an end of the question. For, when a new State is to be admitted, it is just such a State, as is produced by the various provisions of the Constitution.

But, again sir, new States are to be admitted. Now this word *new* is clearly put in contradistinction to *old*, and this contradistinction is what constitutes and defines the difference which was intended to be expressed; as naturally, as when we speak of a young man we put him in contradistinction to an old one; but with this difference only, we mean a natural being, of the same powers and faculties, such as will, judgment, memory, &c. So, sir, when we speak of new, in opposition to old States, we mean just such a political being, possessing the same political powers and faculties, distinguished only by the circumstance of age.

This assumption, that because we have a power to refuse admission, we therefore have a right to impose terms upon that admission, proceeds from the misapplication of a principle in itself perfectly true, but which has no sort of application to the present question. It is this, that he who gives, has a right to prescribe the terms of the gift. This is entirely true, in relation to property which belongs to ourselves, and which we have not only the

power, but the moral right, to give or not, as we please; but it is untrue, if it be attempted to apply it to a case like the present, when we are acting not for ourselves, but as trustees for others; not in relation to any thing which belongs to us, but in relation to the subject-matter of that trust; in that case, not we, but those whose agents we are, have the right to prescribe terms, as I shall endeavor to show has been done by the Constitution. To show the fallacy of this doctrine, that because we may give, or withhold our assent, we may therefore impose our own terms, permit me to call your attention to some analogous provisions of the Constitution. Congress has power to give its consent or not, that a State may lay duties on imports. Suppose an application made for such consent, is there a member of the Committee who would contend, that Congress has a right to give it, upon condition that the State should give some equivalent? For example, that it should agree in its turn, that its exports should be taxed; no one, I am persuaded, will attempt to maintain this position. Again, sir, Congress may consent or not, that a State may keep troops in time of peace; would they have a right to attach as a condition to that consent, that the State should submit to the imposition of a direct tax, in a mode different from the ratio of representation? No, sir, it will not be pretended; and yet there would be as much plausibility in both of these hypothetical cases, as can well be conceived in any case; because the conditions stated in both, consist in surrendering rights reserved to the States for their benefit; yet Congress could not attach such conditions. The path of duty would be plainly this: if the situation of the applying States were such, that the required consent ought not to be granted, then it would be wrong to grant it for any supposed equivalent; if, on the contrary, circumstances were such as to make the application a proper one, then it ought to be granted without equivalent. I could state other cases of a similar character; these will be sufficient to show, that it does not follow, because we have a power to refuse consent, therefore we may impose conditions on that consent, when granted.

If we were to impose this condition, we should commit a palpable violation of that provision of the Constitution, which makes it our duty to guaranty to every State in the Union a republican form of government. A Republican Government is one derived from the people to be governed by it, liable to be altered, reformed, or abolished by themselves. Yet we, whose sworn duty it is to guaranty to the people of Missouri a government formed by themselves, are now about to declare, that in one important particular, their constitution shall not be such as they desire, shall not be alterable according to their own will, but shall, in the first instance, be such as we choose it to be, and shall not afterwards be altered without our consent. Sir, the plain meaning of the Constitution is this—its provisions were intended not only for the States which then existed, but for such as should thereafter exist. As far as they then existed, they at once became parties to it; and no man can doubt

but that the new States since formed, had they then been in being, would have been received as parties to that family compact, and consequently upon the terms therein contained; but those States which did not then exist, could not become parties; the original States, therefore, left this Constitution as a perpetual power of attorney, empowering us, as their agents, to receive new States into the Union; and the various provisions of that instrument perpetually accompany it, as the prescribed terms of such admission. If it were otherwise, if we were at liberty to impose what conditions we please upon the new States, our Government would present this monstrous anomaly, that the original States had provided a permanent Constitution, as it respected themselves, alterable only by themselves, but as it respects new States, had in effect given to Congress the power of making a constitution for them.

Sir, there is a plain process of reasoning, which, it seems to me, will put to rest all difficulty about the relation in which new States stand to the old; and perhaps it is because it is plain that it is not observed. It will consist in propounding to the Committee a series of questions, all of which, I undertake to affirm, that every member must answer in the affirmative; and yet gentlemen will find themselves reduced to the dilemma of answering them negatively, or of giving up the proposed restriction. It might perhaps be sufficient to put one general question only. Do the various provisions of the Constitution apply to the new, as well as to the old States? But the Committee will pardon me for pursuing them in detail, because by that mode I think we shall arrive at such palpable conclusions that the mind cannot withhold its assent. I will now commence the catechetical mode of argument which I have just indicated:—Are the new States entitled to a representation in this House, and, if they be, is it in proportion to their federal numbers? Are they entitled to a representation in the Senate, and, if so, is it an equal representation? Are they entitled to Electors of President and Vice President, and, if so, is the number to be in the compound ratio of their Senators and Representatives? Are they subject to the legislative powers of Congress, such as that of laying taxes, &c.? Are they entitled to the benefit of the exemptions in the Constitution, such as the protection against a duty on exports? Are they subject to the various prohibitions in the 10th section of the 1st article, such as that no State shall coin money, &c.? Are they entitled to the benefit of the provision, that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States? Finally, do the 9th and 10th articles of the amendments extend to them, especially the 10th, which puts into the shape of a Constitutional declaration, what would have been the necessary rule of construction; namely, That the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people? There is not, surely, a member of this Committee who would venture to answer one of these questions negatively; and yet, from an affir-

mative answer to them all, there results an inevitable conclusion, that this restriction cannot be imposed. I have assumed that it is impossible to say nay to any one of these questions; but, to make certainty more certain, let me exemplify in one or two instances, corresponding to these questions. Can you give a new State three Senators, or can you pare them down to one? Can you release them from their liability to your legislative power, by stipulating, for example, that they should not be included in the imposition of a direct tax? These two cases present examples, the first of a right acquired, the second of an obligation contracted, by coming into the Federal Union. Let me now put a case, in relation to the prohibitions on the exercise of State sovereignty. Can you authorize a new State to coin money, or grant letters of marque and reprisal? If every member of the Committee must agree that you cannot do any one of these things, what, permit me to ask, is the reason? Can the mind of man conceive any other but this great and obvious principle, growing out of the Constitution—that, coming into an association of States, bound to each other by a mutual compact, the terms of that compact necessarily apply to them, and consequently impart to them the same rights, and impose upon them the same obligations which pertained to the elder members of the Confederacy? If this be not the reason, I demand of gentlemen to tell me what it is; but, whatever may be the principle, it is entirely sufficient for all the purposes of my argument, that all agree, that the several provisions of the Constitution, which I have before quoted, do, in point of fact, apply to, and operate upon the new, as much as upon the old States. If this be the case, the federal rights and obligations of the new States and their citizens, are as much fixed by the Constitution as those of the original States; the grants of municipal power made by the new States, and the reservation of the remainder to them, are as much fixed by the Constitution as are those of the original States. But what is settled by the Constitution cannot be altered by law. If the proposed amendment, then, embrace a provision which alters the powers or rights of the new States or their citizens, in any degree, either by enlarging or diminishing them, then it is void, as being in conflict with the Constitution, which, I have just shown, has settled those rights and powers, and which is paramount to the law.

I will now endeavor to show, beyond all question, that the effect of the proposed amendment is to diminish the rights and powers of the citizens and State of Missouri. When this amendment shall be passed, a citizen of Missouri cannot carry into that State slaves from any portion of the United States; a citizen of Virginia will have the right to carry them into his State. I ask you, sir, if these two citizens be equal? And yet one of the clauses of the Constitution which I have referred to, and which, I have shown, applies to the new States, declares, that "the citizens of each State shall enjoy all the privileges and immunities of citizens in the several States." It is said, however, that a citizen of Pennsylvania cannot carry

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a slave into that State, and that therefore the citizen of Missouri stands on an equal footing with him. I utterly deny the position. Gentlemen here reason from fact to principle. Although such is the law of Pennsylvania, it is an act of their own Legislature, which they were free to enact or not, and to repeal at their will; not so with Missouri; for, in the first place, we in effect decree it for them, and then declare it to be irrevocable without our consent. Let us leave all the citizens of the United States at liberty, by their own legislation, either to retain or abolish slavery, and then they are all upon an equal footing in point of *right*, as by the Constitution they are declared to be; and if they shall exercise that right in different ways, in the several States, and thus put themselves in different situations in point of *fact*, it is an act of their own will; with which we have nothing to do.

It is said, however, in a memorial presented to us, that this principle would lead to monstrous consequences; that if there were but a single State in the Union which tolerated slavery, this principle would not only enable the citizens of that State to carry slaves to a State whose laws forbade it, but would even enable citizens of the latter State to hold them contrary to their own laws. These consequences, if they could follow, would indeed be monstrous; but I think I shall be able to show that the fallacy of reasoning which leads to them is still more so. Our principle does not claim for the citizens of one State greater privileges than citizens of the other States enjoy, but the same only. Now it is obvious, that, if a citizen of Virginia could hold slaves in Pennsylvania, he would enjoy greater privileges than a citizen of that State. This obviates the first part of the objection; the second part is as easily obviated. I have already shown you that the citizens of two States are perfectly equal in point of right, when they are left at liberty to retain or abolish slavery. If the one retain, and the other abolish it, it is the exercise of their own will, expressed by their own representatives, which produces the difference in their situations. The true principle is this: As in Virginia slavery is tolerated, a Pennsylvanian is equally with a Virginian entitled to hold a slave there; as in Pennsylvania slavery is not tolerated, the citizens of neither State can hold a slave there; but it is competent for either State to vary its legislative provisions in this respect at its own will.

Let us now see whether the proposed amendment does not diminish the powers of Missouri as a State. The standard by which to ascertain the powers of a State is furnished, first, by the grant of legislative power to Congress; secondly, by the prohibitions upon the powers of the States. All other powers not included in this grant, or in these prohibitions, remain with the States. Such is the explicit declaration of the 10th article of the amendments already quoted. Now, sir, no man has pretended that the power is granted to the Federal Government to abolish slavery, or that it is prohibited to the States to retain it. According to the positive provision of the 10th amend-

ment, therefore, it is retained; and yet gentlemen are now about to exercise this power as if it were granted to us. Gentlemen will at once acknowledge that they would not attempt this in relation to the old States; and why, sir? Do you answer that all powers not delegated, nor prohibited, are reserved to them? Then say I, you yourselves admit, that the same article which makes the reservation of powers in favor of the old States, applies to the new; and, consequently, it cannot be so construed as to justify, in relation to the new States, what it forbids towards the old. If, then, the prohibitions and the reservations of power equally apply to the new States; if, as I have shown, it is not competent for us to enlarge the powers of the States, either by surrendering any of our legislative powers, or by removing any of the prohibitions, it follows, necessarily, that we cannot diminish them by breaking in upon the fund which they have reserved. The same Constitution which contains the grant to us, and the prohibition upon the States, secures to them the enjoyment of the remainder.

It has already been asked, with great force, if we can break in upon this reserved stock at all, what will hinder us from taking all? Gentlemen have felt the pressure of this argument; they have seen that, without some limitation, we should be led to the consequence that we might take all. To avoid this they have attempted a limitation which I will show you, sir, is perfectly arbitrary. They have said, and such is the language of the Boston memorial, that, from the very nature of the case, we cannot take away federal rights. It would be strange if we could not take away what the Constitution gives to the States, and yet could deprive them of what belonged to them in their own right, independently of the Constitution. The position of gentlemen would seem to lead to this inference; and yet it is impossible that they can mean all that their principles would seem to embrace. It is impossible they can mean to say, that all rights and powers not federal can be taken from the States. It is not a federal right, or power in the States, to regulate the course of descents. I have purposely selected this example, because in more than one instance in the *Federalist* this very case is put, as showing that, by no latitude of construction, could Congress interfere with it; and yet, if there be no other limitation upon us, except that we cannot touch federal rights, we might even interfere with this subject. Indeed, sir, if another principle in the Boston memorial be correct, it would lead to the conclusion that we might interpose in the regulation of descents; it is this: that Congress might attach as a condition to the sale of its lands, that the owners should never own slaves. If they could do this, it would be more reasonable that they should have the power of regulating descents. The argument would stand thus: We cannot trust the people of Missouri to legislate for themselves, because, possibly, they might establish in their law of descents the principle of primogeniture, and might authorize the perpetuation of estates in the eldest male by the doctrine of entails. If they should do this, they

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would create an aristocracy in the country which would be unfriendly to the principle of republican government, which rests upon the basis of equality. But we are bound to guaranty to every State in the Union a republican form of government; therefore we will interfere with their legislation in regulating the course of descents. I appeal to the Committee whether this reasoning would not be more plausible than any which could be urged in favor of the condition of not cultivating lands by slaves. Yet I hope no man will contend that we could regulate the course of descents. There are rights and powers not federal, then, which we cannot take away. To what rule shall we resort to ascertain which they are? I answer, in the language of the Boston memorial, that it results, from the very nature of the case, that we can deprive a State of no right, federal or municipal, which is granted or reserved to it by the Constitution. Take this rule, all is plain and intelligible; discard it, and every thing is involved in uncertainty and confusion.

An attempt has been made, however, to distinguish this subject from the general rule, arising out of the Constitution, upon this ground, that slavery was a question adjusted by compromise, and that therefore no States but those which were the original parties to the Constitution can claim the benefit of that compromise; I think it will be found, sir, that this position is just as untenable as the various others from which gentlemen have, I trust, been driven. There were other subjects besides slavery adjusted by compromise; I will mention the most prominent one—that of an equal representation in the Senate. This is incontestably proven by the circumstance that, in the clause providing for amendments, it is declared that the Constitution shall not even be so amended as to deprive any State of its equal suffrage in the Senate without its own consent; this is the only provision which is forever put beyond the reach of amendment, in the ordinary mode. Now, sir, this was emphatically the work of a compromise in a vital part of the Constitution; the principle of gentlemen, if true, would lead to the conclusion, that the new States were not entitled to the benefit of this provision, because they were not parties to the compromise; yet no gentleman will maintain this position; and if he will not, he must give up the other upon the subject of slavery. Gentlemen complain of what they consider injustice, in the Southern representation being increased by their slaves; if they could even show this, yet they could not in this way attempt to alter it. But, upon their own grounds, I am prepared to show that the hardship is on our side; for this purpose, I beg leave to introduce to your attention Virginia and Indiana; the whole representation of Virginia in this House is twenty-three, of which number she is entitled to sixteen from her free population, and to seven from her slaves; Indiana in this House, is entitled to one member; Virginia, then, has a right to sixteen times as many members here as Indiana, even from her free population: but, in the Senate, Indiana, by a provision of the Constitution, irrevocable without her own consent, is equal

to Virginia. It thus appears that, whilst in one House, Virginia, by her slaves, receives an increase of less than one half her representation; Indiana, in the other, has her relative weight multiplied fifteen times, and that, too, as I have shown, by an irrevocable provision of the Constitution, without her own consent. Whilst Virginia is liable, by an amendment of the Constitution even against her consent, to be deprived of that part of her representation which she derives from her slaves. I will say nothing about our being taxed on account of our slaves, in the same proportion in which they increase our representation, as that has been already presented to you.

But, say gentlemen, the powers which the Constitution does not give us, we can get from the several States by compact. They say that both the United States and the State of Missouri are competent to make a contract; and that if the one party make a proposition, and the other accept it, this is obligatory on them both. Even if this principle were true, an abundant answer is furnished by an argument which I believe has been already urged, and which I shall therefore only state, without pursuing it; it is that, by the treaty, which was a compact prior in point of time, and paramount in point of obligation, the people of Missouri have acquired certain rights, that therefore it is not competent for you merely because you are the stronger to say, that you will not comply with its stipulations, unless they will agree to another compact, the effect of which will be, to deprive them of one of the rights which I shall attempt hereafter to show, when I come to speak of the treaty more at large, it gave them.

But let us examine the gentleman's proposition as to the competency of the United States and the States to make compacts. It is true only in a very qualified sense, as I will now attempt to show you. The Constitution authorizes Congress to procure by cession a seat of Government, and by purchase, sites for forts, arsenals, &c., from the several States; it authorizes the States, by consent of Congress, to make compacts with each other, and with foreign Powers; probably the power to admit new States, connected with the prohibition to form them out of the territory of others, without the consent of Congress and the States concerned, will justify the cession of territory by the States, for the sole purpose however of forming republican States. Now, sir, *quo ad* the particular subjects which I have mentioned, the Constitution imparts to the United States, as the case may be, a competency to contract; if gentlemen mean to extend that competency one iota beyond these subjects, then I utterly deny their principle. We have been referred to many compacts which have been made by Congress and the several States; without yielding to the force of precedents, if not justified by the Constitution, but protesting against them, I think I can venture to say that most if not all the compacts referred to will be found to be of the description which I have mentioned. But we have been referred to some of the stipulations of those compacts, particularly between Virginia and Kentucky, and have been

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asked, whence was the power derived to make them? It has already been shown that the Constitution gives them the power, with the assent of Congress, to make compacts, subject of course to the limitation, that they do not violate that instrument. As to the stipulations themselves, it will be found that almost all of them are mere declarations of what would otherwise have existed by virtue of the Constitution; for example, Kentucky shall bear her equal part of the public debt; the navigation of the Ohio shall be common between the citizens of the two States; non-residents' lands, being citizens of Virginia, shall not be taxed higher than the residents: the first provision is the inevitable consequence of Kentucky becoming a member of the Union, whereupon she was liable to her proportion of taxation; the second and third are both emphatically embraced by the provision, that the citizens of each State shall enjoy the privileges and immunities of citizens of the several States. The same remarks apply to almost all the stipulations in the compacts between Congress and the States; if an exception can be found, I have only to say that we cannot justify one violation of the Constitution by another. The question here, however, is of an entirely different kind; it is not a question about the cession of territory between Congress and a State, nor about a compact between two States, containing provisions to secure a community of rights and privileges between their citizens which the Constitution itself secured; but it is, whether Congress can, by a compact with a State, obtain from that State a surrender of any portion of its sovereignty? Let us put a case, and one in relation to an old State, for I think I may now assume that the old and new stand on the same ground. Would Virginia, then, be bound by a contract made with Congress, by which she should stipulate to establish a particular course of descents, or a particular code of criminal jurisprudence? No, sir, the member from Pennsylvania, (Mr. SERGEANT,) after quoting so many compacts which did not apply, acknowledged that, if the one now proposed would in any degree impair the sovereignty of Missouri, it could not be sustained. Now, sir, it seems to me that it is only necessary to define what sovereignty is, with the aid of this concession, to show that the amendment must be abandoned. A State, to be sovereign and independent, must govern itself by its own authority and laws, without the interference of any foreign Power.

I ask, then, if this amendment prevail, will Missouri govern herself by her own authority and laws, in relation to the subject of slavery? On the contrary, do we not, by the amendment, say to her that she shall in the first instance submit to our will, contrary to her own, and that not by an act of ordinary legislation, but by one which we require to be made irrevocable without our consent? If it be said that ours is not a foreign interference, I answer in the language which I have formerly used, that, as to any subject over which a power is not given to the General Government, and I trust I have proven this is one of that kind, that Government is a foreign one to the States, as

much as any Government in Europe. But it is asked, whether it is essential to sovereignty that a State should have slavery in its bosom? I answer no, sir; but it is of the very essence of sovereignty that a State should have the power of deciding for itself, whether it will or will not tolerate slavery. Gentlemen pressed by this reasoning, retreat to another ground; they say that slavery is a moral wrong, and as such cannot be the subject of sovereignty; I answer that it is essential to sovereignty, and the highest act of its exercise, to decide what is embraced within its limits, and that the very act of one Government attempting to decide this question for another, is a glaring violation of the sovereignty of that other; I answer further, that sovereignty, in relation to the internal concerns of a State, has no limits but the discretion and moral sense of the State itself, unless it relate to a subject the power over which has been specially delegated, and it has been the purpose of my whole argument to prove that this has not been so delegated. Suppose that a State, like ancient Sparta, should by its laws even sanction the barbarous practice of putting their Helots to death; suppose that it was so lost to the moral sense as to permit the most enormous crimes against the laws of morality or religion to escape with impunity; have we the power to interfere in these matters of municipal legislation, unless it be in relation to a subject over which the Constitution gives us power? I must be pardoned for repeating, that we have no more than one of the Governments of Europe.

But in whatever light we look upon the subject of slavery, whether as a moral wrong or not, whether as a rightful subject-matter of sovereign power or not, we know that it existed in many of the old States at the formation of the Constitution; that it has continued to exist; that there are several clauses in the Constitution, which have direct reference to it, giving protection to the master in reclaiming the services of his slave, and conferring political power, and creating a liability to taxation, with an acknowledged view to this kind of population; this is admitted by all to be the case, as it respects the old States, I have shown, again and again, that the new States and their citizens have all the rights, privileges, immunities, and powers of the old States. If, then, it be a right, or if you please a wrong, in the old States, and their citizens, to hold slaves beyond our control, then the new States and their citizens claim the same right, or the same wrong, call it by what name you please.

It has been said by the two gentlemen from Pennsylvania, (Messrs. HEMPHILL and SERGEANT,) that the States had the right to admit new States upon conditions to be prescribed by themselves; and it has been asked, what has become of that power? If they have given to Congress the simple power of admission, is the other part of the power annihilated, or does it yet remain with the States? To these questions I answer, without difficulty, that the States did possess the power of admitting upon condition; that this part of their power is neither annihilated, nor does it remain with them;

that they have given to Congress the power to admit; and that they have declared the terms and conditions of that admission, in the various provisions of the Constitution.

Sir, the conclusion of the whole matter is this: The States which were the original parties to the Constitution, have given to Congress the power of extending indefinitely the territory over which their dominion is to be exercised, by the admission of new States; but they have not given to Congress the right to increase their capital stock of power, either by taking, by their own will or by the joint will of themselves and any State or States, any attribute of their sovereignty; the first would be an injury to the individual State from which it was taken, the second would be an injury to all the States which compose the Confederacy. No, sir, the sum of the power of Congress is fixed by the terms of the Constitution in a manner irrevocable, except in the mode prescribed for amendment; the States have not intrusted to any body of men on earth a power which might enable them to disturb the political balance, which is adjusted with so much care in the Constitution; they have not left it to Congress to make the new States either greater or smaller than themselves, but have made their own political dimensions, as marked out in the Constitution, the precise standard for the formation of those States which should come into their family by adoption.

I come now to speak of the influence of the treaty of 1803 upon this question. The third article provides: "That the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." An attempt has been made to assail the validity of this article, upon the ground, that it was an interference on the part of the treaty-making department of our Government, with the power of Congress, to whom authority is given by the Constitution to admit new States. A little examination of this objection will show that it cannot be sustained. The treaty-making power, in the exercise of their Constitutional functions, contracted to purchase of a foreign State the territory, the rights of a part of which are now in question. They stipulated, in the article which has just been quoted, that they should be incorporated in the Union, and admitted, as soon as possible, to a participation in all the rights, advantages, and immunities, of citizens of the United States. Here, then, is a contract, by the power in our Government competent to make it, for the acquisition of people and territory, upon conditions, not in violation of our Constitution, but in direct accordance with it. It is true, sir, that according to the distribution of power among the respective departments of our Government, the stipulations in favor of the ceded country, are to be actually performed by Congress; in like manner, the mo-

ney to be paid, as the consideration of the cession, must be appropriated by Congress; yet between us and foreign Powers, there is no organ by which a contract can be made, whatever may be the subject-matter of it, but that department which is authorized to make treaties. If the treaty, when made, relates to a subject which, by the Constitution, falls within the jurisdiction of Congress, it results, from the nature of our Government and the distribution of its powers, that Congress cannot, without their own assent, by the mere operation of the treaty, be bound to execute its provisions. But when that assent is given, more especially when, as in this case it is shown, by the acceptance and actual disposition of the subject-matter acquired, then a refusal to comply with the conditions of the acquisition would be in violation, not only of the moral duty imposed by the Constitution, but also of the plighted faith of the nation. What are the facts in the present case? Congress have taken possession of the Territory purchased; they have paid almost the whole consideration; they have derived large sums of money from the actual sale of the land, and, by repeated acts of legislation, have in various ways exercised authority over the people and soil. We are, then, as much bound by our own assent, in this case, as a private man whose agent has purchased an estate for him, subject to mortgage, would be to discharge that mortgage, if, with a knowledge of the encumbrance, he took possession of the estate, and, either by cultivation or sale, received the benefit of the purchase.

Assuming it, then, to be proven that we are under the double obligation, first, of moral duty, and secondly, of plighted faith, to admit Missouri into the Union, and to extend to her citizens all the rights, advantages, and immunities, of citizens of the United States, the next question which presents itself is this—What are those rights, advantages, and immunities? And here, sir, I beg leave to refer to the various provisions of the Constitution, which I have already examined, as showing what they are—claiming for the State and citizens of Missouri the same powers and rights precisely, as by the Constitution are recognised as belonging to the original States, either by grant or reservation, and, among others, the power in the State, by its own will, to regulate its own internal concerns, and to decide for itself whether it will tolerate slavery; and, if it should so will, the right in its citizens to the slaves which they now hold, to their future progeny, and to acquire and carry into that State other slaves from any portion of the United States.

The gentleman from Pennsylvania (Mr. SERGEANT) objected, that the terms of the treaty embraced only the inhabitants residing there at its date. What then, sir, is the condition of the children of those inhabitants, and what has it been for the seventeen years which have elapsed since that period? Will the gentleman say that the provisions of the treaty do not extend to them? As well might it be said that those who are born in a country after the formation of its constitution, are not entitled to share in its benefits. What,

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too, let me ask, sir, is the condition of citizens of the United States who have removed to that country, having purchased lands from us? They are entitled to claim the benefit, in my opinion, of the treaty and Constitution both; but, beyond all doubt, the moment the State of Missouri is admitted into the Union, the Constitution, by the provision which I have so often quoted, secures to them an equality, a community of privileges and immunities, with their fellow-citizens throughout the United States; and gives to the States, as such, equal rights and powers with the other States of the Union, the extent of which I have already shown.

The next clause from which the right to impose this restriction is derived, is that which gives us power to make all needful rules and regulations respecting the territory of the United States. I do not propose to go into the general question, how far our power extends over the territories, as such: that question will hereafter be distinctly presented to our consideration. Deferring, therefore, the general inquiry till that occasion, I beg leave to remind the Committee that, as it respects the now Territory of Missouri, we have, by one of our own regulations, given it a legislative body; that we have extended to that body the whole power of legislation, subject only to the limitation that their laws shall not be inconsistent with the Constitution and laws of the United States; a limitation to which every State in the Union is equally subject: the question of slavery is one of a legislative character; it, therefore, already belongs to them to decide it by our own grant. Let me ask gentlemen, can a grant of political power be revoked at the will of those who grant it? Would it not excite some surprise in this hall, to talk of revoking a common charter of incorporation, such as that of the Bank of the United States, unless for some cause of forfeiture of that charter? I do not mean now to say what the extent of the legislative power is, in relation to that subject; some modern writers of merit seem to countenance the idea that there are strong cases, in which it would be a legitimate exercise of power; but of this I am sure, that this House would not undertake to revoke the most common charter which they had granted, unless for some act of forfeiture; and yet it seems to be thought by many an act quite of ordinary legislation, to revoke the most exalted charter which can be created—that of the grant of legislative power. If you can take from a Territory a power of this kind, when once granted, what would hinder you from repealing the very act by which you would admit the same Territory into the Union? They are both grants of political power, differing only in degree. But, sir, let this question be as it may concerning the Territories, all further inquiry into which I shall defer till that subject comes up, it has no application to the present case, which is the admission of a State. Whatever is our power over the Territories, it is acknowledged that it co-exists with the Territorial condition, and that when that ceases the power over them, as such, ceases also. It is acknowledged, that we could not impose this condi-

tion after the State is admitted; and yet it is contended, that it may be done just before its admission, by virtue of a Territorial power, which must necessarily exist, at the moment when the admission takes place: in a word, it is argued that, by virtue of a power confessedly temporary, we can impose a condition, in its character perpetual, if we so will. I cannot show the glaring impropriety of this position in so palpable a mode, as by likening it to a case of municipal law. Let us put the case of guardian and ward. A guardian has power to make leases of his ward's land, during his minority, and to expire with it; the moment after his ward reaches majority, he has no power over the estate; and yet, sir, upon the principle now contended for, he might enter into a contract the day before the minority ceased, which would bind the ward and his heirs forever. If such a proposition as this were stated in the judicial hall, in another part of this Capitol, the gentleman would be told that it could not even be received for discussion.

The next clause in the Constitution, from which the power to impose this restriction is attempted to be derived, is that by which it is declared "That migration or importation of such persons 'as any of the States now existing shall think proper to admit, shall not be prohibited prior to the year 1808.'" Under this it is contended, that slaves may be prevented from passing from one State to another. It has already been properly said, that if that were the correct construction, it ought, being legislative power, to be executed by an act of Congress, having equal effect upon all the States, and not by an irrevocable compact, operating on one only. But, sir, independently of this objection, there are two other answers to the argument attempted to be derived from this clause, which I consider conclusive. The first is, that the word migration implies to *freemen*, not *slaves*. The origin and received acceptance of the term prove this. I think I can show it, too, by reference to the probable object of the clause, and the conflicting interests of different sections of the country which it attempted to reconcile.

Let it be recollected that the Constitution entitled the slaveholding States to a representation founded, in a certain proportion, upon their slave population. Now, sir, I think it fair to conclude, as it was agreed that Congress should not have the power to prohibit the importation of slaves prior to 1808, by which importation the representation of the slaveholding States would be increased, that the jealousy of the non-slaveholding States required as an offset to this, that the migration of free persons, by which their representation would be increased, should not be prohibited till the same period. But, sir, there is an answer, arising from the phraseology of the clause, which seems to me to put an end to the question; the words are: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited." Now, this word "*admit*," proves incontestably that the word migration, whether it relates to free persons or slaves, looks to persons coming from abroad; for, if they were already in the States, they could not be ad-

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mitted. Sir, it would be a solecism in language, to talk of admitting a man into a house, who was already in it.

The last source from which gentlemen have sought the power of imposing this restriction, is the clause which authorizes Congress "to regulate commerce amongst the several States." Sir, you have already been properly told that this clause meant only to enable Congress, by uniform and equal regulations, to prevent one State from imposing injurious duties upon the commerce of others, passing through its jurisdiction. This is proven, first, by the exposition given of that power by the Federalist, where the principle just mentioned is stated as the reason which led to its adoption. I will add, that a striking exemplification of the principle will be found in the relative situation of the States of New York, Connecticut, and New Jersey; it is proven, also, by those provisions of the Constitution which forbid Congress from giving, by any regulation of commerce, a preference to the ports of one State over those of another, and declaring that vessels bound to or from one State, shall not be obliged to enter, clear, or pay duties in another.

You have been properly told, also, in relation to this clause, as to that concerning migration, that if it touch the case at all, it is a legislative power, and must, in its operation, affect all the States alike. To show to the Committee the glaring impropriety of this amendment, as resting for its support upon this clause, permit me for a moment to present to you the shape of a bill, having an appropriate title, and followed by the enactments which gentlemen propose. As I have shown to you that the new States have all the rights of the old, indulge me so far as to substitute Maryland for Missouri. The appropriate title, then, as derived from the language of the Constitution, would be, "an act to regulate commerce in slaves amongst the several States." Now, sir, for the enactment, just such in substance as gentlemen propose: "Be it enacted by the Senate, &c., that hereafter no slave shall migrate from any part of the United States into Maryland; that the children who shall be hereafter born, of all the slaves now in that State, shall be free; and that Maryland shall provide for this by an act irrevocable without the consent of Congress." Such a bill would indeed be like the painting of Horace, with a human head, but in another part resembling the fish. I should like to see such an act, with such a title, published in the *Intelligencer*. *Risum teneatis amici?* Would not Maryland naturally inquire, why single this State out, and put it under your prohibition? Sir, if you mean to regulate commerce, then it must be amongst the several States; but, according to this law, a slave may migrate to Virginia, but he cannot migrate to Maryland; it is liable, then, to the strong objection that it is unequal and partial in its operation. But, sir, Maryland would press you with other objections of an unanswerable kind; she would tell you that commerce, *ex vi termini*, implies buying and selling an exchange of equivalents; but your law will embrace many cases where there is no buying and

selling, no exchange of equivalents, and, consequently, no commerce to regulate. She would instance the case of slaves being derived to a citizen of Maryland, by intestacy, by devise, or by marriage. She would state the case of a citizen of another State, removing to Maryland, and carrying his own slaves with him; in not one of these cases is there the slightest pretence of commerce; and yet your law would embrace them all. She would tell you, too, that if she were to pass any act at all, she must consult her own will, her own views of expediency; and that what she enacted, she claimed the power to repeal, without consulting Congress.

But, sir, the strongest objection lies yet behind. The law which I have supposed, upon the model of this amendment, emancipates the children of all the slaves now in Maryland. Is this, too, a regulation of commerce? It is a contradiction in terms, to give it such a name. This last part of the bill, sir, is most alarming in its consequences, for it goes directly to the emancipation of slavery throughout the whole United States, after the present generation shall become extinct; that is, in the life of one man—for, whilst the candles are all burning though millions may be embraced, yet the life of the longest liver terminates the period. And have you the power to emancipate the children of acknowledged slaves? Yes, says one gentleman from Pennsylvania, (Mr. HEMPHILL;) for he asked, can a man have a vested interest in an unborn human being? And he answered, no. If this be the doctrine, sir, though that gentleman did not apply it, and I believe did not intend to apply it to the old States, I repeat again, that it proclaims universal emancipation, after failure of the present generation of slaves. Sir, it is of no importance that the present Congress do not apply it; we are but actors who fret our busy hour upon the stage, and then pass away; others will come to act their parts, and these principles may then be put into practical execution, in their utmost extent. I will not detain the Committee to prove, that a property in the parent implies property in the progeny. The maxim "*Partus sequitur ventrem*" is as old as the civil law; it is founded upon the immutable principle, that wherever I have property in the capital stock, I have the same property in its products. He who owns the land, owns all the fruit which it produces. If, then, you may admit my property in the parent, you cannot deny it in the child. If, indeed, you deny my right to a vested interest in an unborn human being, you may, perhaps, go one step further, and deny the same interest in those who now exist. The argument is as strong in one case as the other. Assume but this principle, and then you need not wait for futurity to do this great work of emancipation. No, sir, you may say at once to every bondman in the United States, you are free.

I have now, sir, finished my view of this question. I believe, upon my conscience, that the proposed restriction is a violation of the Constitution; I trust I have proven it; if I have, or if there be even serious doubt, I conjure the Committee to pause, before they take the step proposed; sir, it

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was long a desideratum in politics, to devise a Government like ours, which should, by the union of many sovereign States, each retaining its sovereignty for municipal purposes, combine the strength of a monarchy with the freedom of a republic. With us, it is "in the full tide of successful experiment." Let us not take any course calculated to arrest its success; such I fear will be the unhappy tendency of the present measure. Let it not be supposed that I come here the apostle of disunion; no, sir, I look upon the Union of these States as the ark of our political safety; if that be lost, we may bid farewell, a long farewell, to all our pleasing hopes and fond anticipations of future greatness and glory. They will be as the illusions of a deceitful dream. But, whilst I deprecate disunion as the most tremendous evil, I cannot shut my eyes against the light of experience; I cannot turn a deaf ear to the warning voice of history; from these we learn that harmony is the spirit which can alone animate and sustain a confederate republic. Whilst this spirit exists, it is displayed in acts of legislation reciprocally beneficent to every member of the confederacy, and these become new ligaments to bind them together in the bonds of brotherhood; this spirit is not all at once extinguished, nor are the bonds of union suddenly burst asunder; but when, instead of this beneficent spirit of legislation which I have described, a different course prevails, this spirit of harmony gives way successively to jealousy, distrust, and, finally, discord; let but this last spring up amongst us, you may consider the days of the Republic as numbered, and that it is fast hastening to its dissolution.

When that sad catastrophe shall befall us, this noble Confederacy, which, in its unvidual state, could stand against a world in arms, will be broken, if not into its constituent parts, into some minor confederacies, the victims of foreign intrigue and of their own border hatred. Where, then, will be your commerce which covers every sea? Where your army and navy, the means of your defence, the instruments of your glory? They will be remembered only to make the contrast with your then situation more painful. What will become, then, of this boundless tract of western land, the subject of the present contest, which has poured, and would continue to pour, such rich streams of wealth into your Treasury? It may become the theatre on which the title to itself may be decided, not by Congressional debate, not by construction of treaties or constitutions, but by that force which always begins where constitutions end. I conjure you then, beware, lest, by this measure, you excite the discontent of one half of the Union, by legislating injuriously to them, upon a subject in which they have so deep a stake of interest, and you have none in point of property; take care that you do not awaken the painful reflection, that the federal arm is strong only to destroy. I hope and trust that the wisdom of our councils may be such as to avert these evils; but he knows little of the human character, who does not fear that consequences like these may follow, if the hand from which the greatest good is looked for, be the one which deals out the deepest injury.

God grant that, in deciding this question, we may bear in mind this excellent motto, "United we stand, divided we fall."

FRIDAY, February 11.

Mr. KENT presented a petition of sundry inhabitants of Washington county, in the District of Columbia, praying that certain alterations, which are therein described, may be made in the judicial system of said District; which petition was referred to the Committee for the District of Columbia.

Mr. CAMPBELL, from the Committee on Private Land Claims, made a report on the petition of Josiah H. McComas and wife, accompanied with a bill for the relief of the legal representatives of Henry Willis; which bill was read twice, and committed to the Committee of the Whole to which is committed the bill for the relief of John McGrew and others.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act to continue in force the act passed on the 20th of April, 1818, entitled 'An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the second day of March, 1799," reported the same, with an amendment; which was read, and, together with the bill, committed to a Committee of the Whole tomorrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of the president, directors and company of the Merchants' Bank of Newport, in Rhode Island;" in which they request the concurrence of this House.

The bill from the Senate to remit the duties on the statue of General Washington, executed in Europe, by the Marquis de Canova, for the State of North Carolina, was read the third time and passed.

THE MISSOURI BILL.

The House again resolved itself into a Committee of the Whole on this bill.

Mr. Gross, of New York, spoke as follows: Mr. Chairman, I shall offer no other apology for occupying a portion of the time of the Committee than that which has been echoed and re-echoed from every quarter of the House: I mean, sir, the unexampled importance of the subject. It is important in itself. A proposition to limit the extension of slavery, and set bounds to a practice which all agree to be the curse, if not the disgrace, of the United States, is surely entitled to the serious attention of the representatives of a free people, and seems to demand of every member a full and explicit declaration of his sentiments. But, sir, it becomes more important, it assumes a still more serious aspect, when we consider the excitement which prevails within and without the walls of this House; the intimations (perhaps I may call them menaces) which have escaped gentlemen in the course of the debate, and the awful consequences which it is predicted will flow from the adoption of the proposed amendment.

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It is a mortifying consideration, sir, after emerging from a war with one of the most powerful nations of Europe; a war which threatened not only the prostration of our national rights, but the dismemberment of the Union, to find ourselves so soon again menaced with internal commotions, of a character not less hostile than the former to our union and tranquillity. We have a surfeit of local jealousies. For more than twenty years they have been fomented by interested men, among whom those of the East have held a conspicuous station. These jealousies were treated at first as the necessary result of our free institutions, and as of little consequence; but they continued to increase until the late war, when they seemed to jeopardize our national existence. I am afraid, sir, that prejudices and jealousies of a similar nature are about to revisit our country, and sow dissension among us. The troubles of 1814 arose from temporary causes. Peace reduced every thing to tranquillity. The origin of the present discontents, sir, I apprehend, is not of so transient a character. It is to be found in habits, customs, and modes of thinking, peculiar to the different sections of the Union. It is therefore more uniform in its tendency and operation—more permanent in its effect.

The fate of those who have heretofore stood forth as the advocates and promoters of disunion, should warn us to avoid their course. The Hartford Convention, sir, will be remembered so long as the history of this country is extant. I rejoice, sir, that this is likely to be the case. I trust that the very mention of its name will, by a uniform association of ideas, excite in the mind of every American, to the latest generation, the remembrance of treachery and treason. The prospect, sir, is favorable; for, I believe there are few individuals in the United States, and, as far as my knowledge extends, but one member of that body, who has yet dared to step forth in its defence, and attempt to shield it from the detestation of an insulted community. These, sir, are general remarks, and by no means designed as an insinuation unfavorable to the views of any of the honorable gentlemen who oppose the amendment.

Permit me here, sir, to notice an insinuation, extraordinary in itself, as well as on account of the source whence it has proceeded. An honorable gentleman from Massachusetts (Mr. HOLMES) has said, that he perceives in the proposed amendment an attempt on the part of the State of New York to give a President to the United States.

[Mr. HOLMES explained. He said that he had observed that certain great men of the North had made use of the Missouri bill as a *pony*, and had directed its head towards Washington. He said he had not designated New York; but the honorable gentleman could do so if he chose.]

Mr. Chairman, I understood the honorable gentleman as applying his observations to the State of New York; but he has disavowed such a meaning, and I certainly do not feel justified in applying them in that manner myself—but I will just observe to the honorable gentleman that the Republicans of the North knew their duty, and performed it, even while they had the honor of meet-

ing him in the ranks of their opponents, and that they have not yet forgotten how to treat the unfounded aspersions of those who choose to call in question the purity of their motives. No, sir, it is not from views hostile to the Southern States that I am induced to advocate the amendment. I fear not to declare, sir, that, if I entertain any partiality for any particular portion of the people of the United States, it is for those of the South and West. Their liberality, their enlightened policy, their patriotism, bravery, and generous sacrifices in defence of their country, appear to great advantage, when contrasted with the egotism, selfishness, and illiberal prejudices, which have characterized at least a portion of their brethren of the North and East.

But, sir, were I of a different disposition, and did I desire to reduce the weight of the Southern States in the scale of the Union, the amendment under consideration should receive my negative. I would compare the present relative population of the Northern and Southern States with what it was twenty years ago, and find in the result a complete cure for the most bigoted and inveterate jealousy. I would look at the Southern States, and examine their extensive tracts of barren and uncultivated land, once the most fertile and productive, and see in them the future condition of that whole section of our country. I should contemplate the rapid increase of their black population with the most malicious pleasure; for I should find in it an earnest of the future extinction of the whole European race.

To the honor of this House there seems to be but one opinion respecting the enormous injustice of enslaving our fellow men, be their color what it may. The precepts of religion, and the principles of the Constitution, are both violated by the practice. Experience, however, has shown that evils of this description are easily surmounted by the ingenuity of mankind. The love of gain can silence the voice of reason, and gold has, in all ages, been found an admirable remedy for a tender conscience. Why is it, sir, that gentlemen, after denouncing slavery as an evil, proceed immediately to treat us with palliatives and excuses for the practice? An honorable gentleman from Virginia (Mr. RANDOLPH) has declared that it is an awful and tremendous judgment, and that all the misfortunes which have ever befallen his country, are exceeded by slavery. In the next breath, sir, we are told of the dangers of emancipation; of the happy condition of the slaves; of their affectionate attachment to their masters, and of the cruelty of the restriction. Nay, sir, we are gravely reminded that free persons may lose their liberties by a violation of the laws, and that the soldier is obliged to expose his life at the command of his superior. To these suggestions I will only reply that they have been the arguments of aristocrats and tyrants in all ages of the world; that they are now used for the purpose of justifying all the usurpations which have ever been committed on the rights and liberties of mankind, and that by them the Algerines defend all their enormities.

But, an assertion has been made, which, if found-

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ed in fact, ought to put to silence the advocates of the amendment. It is said, sir, that it is better that our slaves be widely dispersed among many masters, than that they should be condensed within circumscribed bounds. This position, sir, is not destitute of reason, much less of plausibility. On this subject I confess my limited information; but the facts, sir, in my possession, and the observations which I have been able to make, have led to a conclusion in my mind very different from the above.

It is notorious, that no effectual bounds have yet been set to this growing evil. Slavery has indeed been banished from New England, from most of the States north of the Potomac, and from all the States north of the Ohio. The climate of these States, however, is unpropitious to the practice, and the probability is, that it would never have extensively obtained had no laws been enacted on the subject. Slavery has, however, been tolerated in all the States and Territories south of those rivers, and no laws have yet been passed to prevent its introduction into the vast region west of the Mississippi. What is the result? The West has been supplied with slaves from Maryland, and the other slaveholding States. Has their number decreased in those places from whence supplies have been drawn? The alarming fact, sir, is upon paper. In the course of twenty years, commencing in 1790, they have increased, even in the Atlantic States, in a ratio greater than the whites. This circumstance ought, surely, to arouse the Southern people to a sense of their danger, and disarm their enemies, if any they have, of all their malice.

The inhabitants of Missouri, sir, will no doubt find a present benefit from the introduction of slaves into their Territory; but let them cast their eyes to the future. The experience of ages is before them. They have but to look and be convinced of the inevitable result. The time will come, sir, if slavery be not circumscribed, when the citizens of the Western territory shall, with those of Virginia, curse the avarice and selfishness of those who fixed the evil upon them; when they shall look in vain for new States wherein to dispose of their surplus slaves, and when nothing but blood and violence shall avail to save themselves from destruction.

Is it wisdom, sir, to postpone the evil day, and provide for present ease at the expense of future misery? Let gentlemen give their votes on this occasion from motives such as these; and then, if they have courage, let them go and look upon the picture of the Declaration of Independence. Let them see if they can hide their blushes while they contemplate the figures of those immortal patriots who, in the presence of their fellow-citizens, and in the face of Heaven, pledged their lives, their fortunes, and sacred honors, for the future happiness, yes, sir, for the future happiness and glory of their country.

By permitting the extension of slavery into Missouri, we open a new market for slaves, and effectually prevent their gradual manumission by their masters, by increasing their price. It has

been contended, sir, that it is the price of produce which regulates the price of slaves. No one will deny that this will have its effect. But, will any gentleman affirm that no other causes would produce the same result? Is it not universally the case that the abundance of an article lessens its value? The restriction will render slaves of no value in Missouri, because they will there be made free. Their value will decline in Virginia for the want of a market. Thus, sir, will the master be induced to manumit his slave, and thus will a new country be opened for his reception, consistent with the safety and interest of the nation.

It is useless to say to this House that we have enacted laws for the prevention of the slave trade, and that, therefore, no more slaves will be introduced from abroad. The very fact, sir, that we employ a number of national vessels, at a vast expense, to intercept the ships of those who drive the infamous traffic, proves, most conclusively, that there is a chance of gain in the pursuit which induces men to disregard the voice of conscience, and brave the perils which oppose their progress. So long as new States continue to furnish a market for slaves, the efforts of Government will serve only to increase the horrors of the trade. The laws will be violated, our precautions will be evaded, unless it appears that the slave-dealer is more conscientious, more virtuous, and more honest, than those who deal in unforbidden articles of commerce.

The most bungling legislator, sir, can forbid the commission of a crime, and affix the penalty. It is the business of the wise and the skilful lawgiver to penetrate the motives which operate on the minds of men, and impel them to action. Severe and bloody penalties are not even the principal means by which he prevents vice and promotes the cause of virtue. He removes temptation from before the eyes of the people, and encourages every laudable exertion by the hope of reward. Are we, sir, practising on these principles, when we pass laws for the prevention of the slave trade, and at the same time raise the price of the commodity by furnishing a market for its disposal? Does not policy such as this expose us to censure, and even to ridicule? Yes, sir, the whole enlightened world would pronounce us either foolish or hypocritical if we pursue this course, and an impartial posterity will confirm their decision.

The enemies of restriction, sir, insist that they are not guilty of the sin of introducing slavery into the United States. They maintain that Independence found the practice established in the country, and that the parent nation is alone chargeable with having entailed upon them this acknowledged evil. I readily admit, sir, every word of this defence. They can wash their hands of this sin: they are, as yet, free from guilt. Let them beware how they make themselves partakers in the iniquity, by contributing their influence to perpetuate the practice. It was England who planted this poisonous weed upon our soil. For what was it done? For the same reason, sir, for which gentlemen propose to introduce it into Missouri. It was from motives of private interest and present convenience

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that it was done. Well might the honorable gentleman from Kentucky (Mr. HARDIN) observe, that the time had been when it was our interest to legislate for principle; but that now it seemed to be our principle to legislate for interest. There is more truth in the observation, sir, and it is illustrated by more circumstances, than I believe the honorable gentleman is at present willing to admit.

Do the people of Missouri desire the admission of slavery into their territory? So did the first planters of Virginia. They derived a present profit from the employment of slaves, and shut their eyes to the future. Do the descendants of the early settlers acknowledge the short-sightedness of such miserable policy? So will the descendants of the present inhabitants of Missouri, should the amendment be rejected, to the latest generation. Do you exclaim against England for permitting the introduction of slavery into Virginia? So will posterity exclaim against this very Congress, if we permit the extension of this abominable custom. The waters of the Mississippi, sir, possess no more virtue than those of the Atlantic. Whether you transport slaves across the ocean, or transport them over a river, the baneful consequences are the same.

Let me then, sir, entreat gentlemen to reflect on the situation in which they place themselves by advocating the extension of slavery. Will they acknowledge the evils which it has brought upon themselves, and at the same time maintain that it will prove a blessing to their brethren? Such principles and such practices, sir, are irreconcilable in the nature of things. I am happy to believe that it is not in the power of the most brilliant talents, nor of the most commanding oratory, to make them harmonize, and that no effort of the human mind can disguise their incongruity.

Do gentlemen insinuate that the advocates of restriction are actuated by sinister motives, and by an unreasonable apprehension of the consequences of slavery? I want no better reasons for my vote than those furnished by the honorable gentlemen from the South. What is there in the whole physical world which ought to alarm us, if we can be calm when an enormous evil—a tremendous judgment, which, like Fame, increases as it goes—is found to have nearly blasted the fairest portion of our country, and for which there is no remedy, but in the enlargement of its bounds? Can gentlemen blame any one for expressing alarm at a prospect like this? Is it for proposing to arrest the progress of such a hydra, that we are to be charged with sinister and unworthy motives? Are we for this, sir, to be branded as the disturbers of the harmony of the Union?

I am at a loss, sir, to account for the extraordinary excitement which the proposed amendment has produced, unless I take it for granted that gentlemen have adopted the opinion of the celebrated Mr. Burke, who, amidst all the evils of slavery, comforts us by the discovery that it shows the master his enviable condition of freedom. But, not contented with this, and in order to raise our happiness to perfect ecstasy, he assures us that in this particular we resemble the ancient Goths (I wonder he did not say Vandals) and modern Poles.

I trust, sir, that a long time will elapse before the spirit of liberty in this country will need such helps as these, and that we may never be induced to follow the advice of a man who was ever cold and phlegmatic in the cause of freedom, and eloquent only in the cause of aristocracy and oppression. I hope, sir, that our free institutions will continue to rest on the broad foundation of public sentiment, rendered solid and everlasting by the diffusion of science and the prevalence of virtue; and that, to the end of time, it may be a slander upon our character to compare us with the barbarians of ancient or modern Europe.

But we are told, sir, that the Constitution forbids us to interfere on this occasion. If this be the case, I acknowledge that it is our duty to acquiesce, whatever may be our sentiments of the expediency or necessity of the measure. I trust, sir, that Congress will ever be ready to bow with reverence to the provisions of that sacred instrument, and to listen, with candor and attention, to the voice, from what quarter soever it may come, which warns us that we are about to violate it in the most minute degree. Let us, then, sir, examine the Constitution, in the spirit of patriotism, and see if its wise framers so far forgot themselves as to deprive us of this important power.

Two questions seem naturally to present themselves for our consideration: 1. Can Congress demand of the people of Missouri the performance of the proposed condition, previous to their admission into the Union? And, 2. Can the people of Missouri agree to the demand? In other words, sir, can Congress and the people of the Territory which it is proposed to form into a State, by a compact which will be binding, exclude the practice of slavery from such Territory both before and after its admission? If this cannot be done, sir, I for one shall lament the necessity which compels me to acquiesce.

The Constitution declares that "new States may be admitted by the Congress into this Union." All agree, sir, that, by virtue of this clause, Congress may exercise their discretion, and admit, or refuse to admit, a new State. But an honorable gentleman from Virginia (Mr. BARBOUR) insists that, although Congress can refuse their assent to the admission of Missouri, they have no right so to do, unless the interests of the Union require it. No one will deny the truth of this proposition; but I should almost be willing to abide by the opinion of the honorable gentleman himself had he no Constitutional scruples as to the expediency of admitting Missouri unconditionally. But, an extraordinary position is taken by the opposers of restriction. It is maintained by them that, although we may consent or refuse, we can annex no condition. Will gentlemen construe other Constitutional powers by the same rule? The Constitution empowers Congress to borrow money. Will gentlemen deny that we can provide for its repayment? We can declare war; but can we not do it conditionally? Yet the Constitution simply authorizes us to declare war, without the mention of any condition. We can raise armies by virtue of express power. Have we not the au-

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thority, by implication, to disband them? But it is unnecessary to enumerate instances wherein the strict construction contended for would be manifestly absurd. The honorable gentleman (Mr. BARBOUR) himself admitted that every giver could annex his condition to the grant.

[Mr. BARBOUR explained. He said his proposition was, that Congress, in this instance, could annex no condition but what was authorized by some clause of the Constitution.]

Mr. Chairman, it is my business to show that a fair and logical construction of the clause will authorize the proposed condition. If this be done, sir, it will remain for those who espouse the other side of the question to show that our power is taken away by some other clause of the instrument. I shall not argue this point at length, sir; for to me it is self-evident that a power to do or not to do implies an authority to do or not to do upon such conditions as the public good may require. The Constitution, sir, was not designed to puzzle the ignorant, nor confound the wise. It is to be construed by the rules of common sense, and is liable to the same interpretation of any other instrument containing delegated powers. Would your agent, whom you had authorized to purchase or not to purchase a commodity, exceed his powers by receiving it upon condition? No, sir; every court in the nation would be unanimous upon such a question.

Are there any provisions in the Constitution which interfere with this construction? The honorable gentleman (Mr. BARBOUR) has produced two, which, he contends, clearly deprive us of the power of imposing the restriction contained in the amendment. The tenth article of amendments declares, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The honorable gentleman maintains that the States have not delegated to Congress the power of abolishing slavery, and that the several States have exclusive jurisdiction over the subject. I agree, sir, that we cannot abolish the practice in States already admitted; but we may refuse our assent to the admission of a new State, unless involuntary servitude be forever renounced. Is it contended that we cannot insist upon the condition, because it is not among the number of our delegated powers, and therefore reserved to the States? This, sir, is assuming the fact in dispute. The answer, sir, is, that the power is given to us by the Constitution, and that, therefore, it is not reserved to the States.

The second section of the fourth article, sir, provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Does this clause tie up our hands, and prevent our interfering in the manner proposed? Does it secure to the people of Missouri, after their admission as a State, the right, as it is called, of holding slaves? Will it release them, sir, from the compact which they may be induced to make previous to their reception as a member of the Union? Will any gentleman con-

tend, sir, that Congress has here an authority to interfere with the internal regulations of individual States, and to compel Massachusetts to alter her laws against slavery, because Virginia tolerates the practice?

I am persuaded, sir, that no honorable gentleman will feel himself inclined to avow that such are his views of the clause in question. Were this the meaning of the section, sir, we might justly be alarmed. State rights in such case would indeed be in danger; for, while we were engaged in rendering uniform the several State constitutions, we might aim an effectual blow at their independence, and clothe ourselves with the most ample authority.

I entirely agree with the honorable gentleman from Virginia (Mr. BARBOUR) in his construction of this part of the Constitution. He, sir, has said that every citizen of the United States is, by this clause, secured in the enjoyment of all the privileges and immunities of citizens of the State wherein he resides. He illustrates his idea by supposing that a citizen of Virginia comes to reside in Massachusetts, and that a citizen of Massachusetts comes to reside in Virginia. In the latter case, the citizen acquires a right, and in the former a right is lost. But what effect will the abolition of slavery in Missouri have upon the citizen of that State? Will he not be entitled to all the privileges and immunities of citizens in the several States? Is not slavery abolished in the Eastern and Northern States, and in those of Ohio, Indiana, and Illinois? Are not their citizens, nevertheless, entitled to all the benefits of this clause of the Constitution?

Gentlemen acknowledge that if the people of Missouri would voluntarily renounce the right of slavery, they would rejoice at the event. Why are they so opposed to our asking them the question? Perhaps the Missourians will consent, and ratify the compact? If they do, sir, all our difficulties are at an end. If they refuse, the path of our duty is plain before us. Will it be said that we are taking an unworthy advantage of our brethren? Can it be alleged that we are refusing them a right to which they are equitably entitled, in order to compel them to relinquish the great prerogative of governing themselves? It is said, sir, that all compacts must be voluntary. Whether this be true, or not true, is little to the purpose. By the Constitution, we have the unqualified right of placing the good and the evil before them, and allowing them to make their election. Is this compulsion, sir? Does the man who is at perfect liberty to sign or not to sign a contract, complain of duress and compulsion, because the terms are not so good as he demands?

The doctrine contended for by the advocates of restriction, sir, has been called new. Alarm is attempted to be excited at what are called encroachments on the Constitution. So far as precedent is concerned, sir, there is no doctrine more new than that of those who oppose the amendment. In 1780, Congress provided that such territory as might be ceded to the United States should be formed into distinct republican States which should

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become members of the Union, and have the same rights of sovereignty, freedom and independence, as the original States. In pursuance of this provision, the Northwestern territory was ceded by Connecticut and other States. In 1787, Congress passed an ordinance for the government of the inhabitants. It contains, sir, six articles, which have formed a compact between the Congress and the people of the territory. One of them provides that involuntary servitude shall be abolished, except for crimes whereof the party shall be duly convicted. Here, sir, we are told that this ordinance of 1787 was an usurpation. The honorable gentleman from Virginia has quoted the *Federalist* in support of this opinion. I agree, sir, that the Articles of Confederation contain no powers which authorized the Old Congress to admit new States. But, did any one condemn the measures for any other reason than the want of power? Surely not, sir, so far from disapproving the policy itself, the Convention which formed the new Constitution gave the new Congress the power to do by right, what the Old Congress did without right. Accordingly, sir, when Ohio, Indiana, and Illinois, applied for admission, we consented on condition that their constitutions should contain nothing contrary to the ordinance of 1787. They concurred, sir, and were received as States. Where was the wisdom and foresight of old Virginia at this period? Why did she not raise her voice against these acts of Congress? We did, sir, admit Ohio, Indiana, and Illinois, upon the very terms which we offer to propose to Missouri. Where was the power found? Not in the ordinance of 1787; for it was an usurpation. The Congress of 1802 saw it in the Constitution. Yes, sir, even the Southern representatives, at that period, concurred in the construction for which we contend.

But, another question remains to be discussed: Can the people of Missouri renounce the practice of slavery? In their remarks and arguments on this subject, gentlemen are continually confounding the rights of Territories with those of States. We are told that we can make no compact with States, except in cases particularly provided for by the Constitution. Can Missouri, we are asked, renounce the rights secured to her by the Constitution? No, sir, she cannot. I agree, sir, that federal rights cannot be demanded nor resigned; for the Constitution is paramount to all contracts between a territory and the United States. Should Missouri, while a territory, give up a federal right, the constitution will restore it to her on her admission into the Union. But, sir, is slavery a federal right? Does the Constitution secure to the States the exercise of this shameful practice? Let us examine the history of that glorious instrument, sir, for I confess my anxiety to rescue it from so foul an imputation. I will endeavor to show, sir, that the practice of slavery—for I will not call it a right—depends solely on the positive regulations of the individual States.

The Constitution, sir, may be regarded as a compact between the original States, whereby a national government was established for the security of the rights and interests of all. That the

General Government might be enabled to effect so great an object, the States bestowed upon it certain prerogatives of sovereignty, of which they divested themselves. In the formation of this compact, it was found necessary to proceed in the spirit of conciliation and forbearance. A practice was found to prevail, in some of the States, of enslaving their fellow-men. This custom, although abhorrent to the principles of freedom, and inimical to the practice of republicanism, was, in the spirit of amity and compromise, left untouched by any provisions in the Constitution; not because the States would have been degraded by an inhibition, but because the Union of the States made such a course both necessary and proper.

Since the adoption of the Constitution, sir, so far as its federal powers extend, the United States may be regarded as an individual nation, and as a consolidated Government. As such, sir, Congress levies war, makes peace, and does all things which the Constitution empowers it to perform.

The great question then arises, whether the spirit or letter of the Constitution requires that new States should be admitted to the possession of all the powers which the original States reserved to themselves at the formation of the Constitution. Unless it can be shown, sir, that there is some magic, some witchcraft, some dormant, imperceptible, and miraculous power in the Constitution, which will release the people of a territory from a condition which does not interfere with their federal rights as a State, and which they themselves have solemnly ratified and accepted, as a condition of their admission, we must decide the question in the negative; for such a principle is nowhere established by the instrument, either expressly or by implication.

Will the proposed amendment interfere with the sovereign rights of the new States? Is the power of enslaving the African an essential attribute of sovereignty? We have been told, sir, that the amendment interferes with the inalienable right of self-government. Are gentlemen prepared to say that slavery is a part of the rights of a republican State? For myself, sir, I will venture to declare, that, so far from being a right, it is a violation of the principles upon which is founded our glorious edifice of freedom, and of eternal justice. It depends for its establishment and support on power and violence, and upon them alone.

To corroborate this position, sir, permit me to quote the opinion of a man distinguished alike as a scholar and a statesman, and whose sentiments will be heard with respect by every member of the Committee. I mean the honorable William Pinkney, now a member of the other branch of the Legislature. In a speech delivered by him in the Legislature of Maryland, in 1789, he declares that, "by the principles of eternal justice, no master in the State can hold his slave a single hour." This principle is as immutably true as truth itself. I have only to regret, sir, that, in the forty-fourth year of our independence, we should so far have forgotten the principles upon which that independence was proclaimed and established, as to render such a quotation, for such a purpose, at all neces-

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sary or proper. The cry of "the State rights are in danger," has more than once assailed our ears. Such an apprehension is altogether unfounded. This cry, sir, is probably designed to operate like the English watchword, "the church is in danger." It may serve to inflame the zeal of the enemies of restriction, by inspiring them with a vague horror for some unknown evil. It will, however, I trust, produce no other effect than a conviction of the weakness of that cause which can need such feeble aid.

Permit me now, sir, for a moment to turn the attention of the Committee to the treaty of cession. One article of that treaty provides, "that the inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the the United States." Let this treaty, sir, be religiously fulfilled, but let us first see what are the rights, advantages, and immunities, of citizens of the United States. To me, sir, nothing is more clear than that they are such only as are secured to us by the Constitution of the United States, and not those with which any of the individual States can interfere. If this be the case, sir, the amendment is consistent with the treaty. Why did Congress, in the act authorizing Louisiana to form a Constitution, require as a condition of its admission that their laws should be printed in the English language? Are the original States required by the Constitution to do this? Is not the liberty of determining for ourselves on this subject as essential to sovereignty as that of abolishing slavery? The Representatives of the South concurred in this restriction. I have only to observe, sir, in conclusion, that if a condition of this unimportant nature may be constitutionally imposed upon a territory as the price of its admission, surely the one under consideration, which is designed and calculated to secure the happiness and prosperity, not only of the Missouri, but of the whole United States, most solemnly and imperiously demands our unqualified support. Sir, I have done.

Mr. ANDERSON, of Kentucky, said that he should offer no apology to the Committee for the observations which he should address to them; the subject, which involved the extent of the powers of Congress and the rights of a people claiming to be a confederate of this Union, gave to him the amplest justification. It is not a question which receives its importance from any intemperate zeal which has been displayed here: the American people have declared their sense of its consequence, by manifesting an interest in the proceedings of this House which no recent occasion has inspired. He considered it a matter of congratulation, and highly honorable to the House of Representatives, that this interest, so deeply felt and universally displayed, had not been produced by any heat or violence in this debate, but solely by the nature and magnitude of the question. Mr. A. said that he should take especial care not to violate the harmony and good order which had so happily prevailed in the discussion, and that, whatever might

be the imperfection of the remarks which he should think proper to deliver, he would fearlessly give a pledge, the only one which he knew and felt that he could redeem, that he would be behind no gentleman in the respectfulness of his observations.

He said he could not, however, avoid thinking that, on some occasions, the feeling manifested by the people had been somewhat inflamed by misapprehending the true question. If it had been known that no question had been agitated in Congress involving the liberty of one human being, much of that excitement which has been shown in some sections of the Union would have been repressed. By representing this question as a contest between liberty and slavery, the best feelings of the human heart have been enlisted against us; if it had been generally known that, so far from promoting, Congress has, by successive acts, exerted all its powers for prohibiting the importation of slaves, many of the maledictions which have been so prodigally heaped on the heads of those who oppose this restriction would have been spared. These laws, to which the severest penalties have been affixed, were passed with a unanimity which destroys all sectional claim to the honor of enacting them. There is, too, a peculiarity attending these laws, which is eminently honorable to the humanity of the American Congress; the representation of the ordinary penal laws of the country has been left to the punishments which are denounced against the offender; but in this case, by an act of the last session, the whole naval force of the United States was placed at the disposal of the President to enforce the laws for prohibiting the slave trade; the usual sanctions were not deemed sufficient, and the public force is at this moment employed in preventing what an unfortunate misapprehension of the question has induced many to accuse us of countenancing and promoting. This was a question of dispersion, not of importation; a question different, not only as to policy, but radically so as to the powers of Congress to act on it.

Mr. A. said that he should contend that Congress possessed no power to impose this restriction on the people of Missouri, either by an original prescription declaring that it should become an article in their constitution, or by the more plausible mode of compact by which it might seem that the alternative was left to the people, and the insertion of it would be a voluntary act on their part. He should contend that each State should come into the Union equal and unimpaired in its sovereignty, except so far as it was impaired by its obligations to the Federal Constitution; if it had come under obligations in any other way, or had been deprived of any attribute of sovereignty which all the other States possessed, it had then lost the necessary equality, and also that character of a State, which was indispensable for its admission into this Union. Various clauses have been relied on by the advocates of this amendment to support the restriction. No express power is pretended, although it may be truly said that if any case could occur in which we might reasonably demand an express authority, it would be when

we were withdrawing from a State a portion of its sovereign power. He would not, however, exact this of his adversaries, but, in answer to their loud calls for a liberal construction, to enable them to effect their humane and beneficent purpose, he would say that this was a case that eminently justified a most rigid construction. The general scheme of the Federal Constitution contemplates external objects; he knew that this scheme was not preserved entire, but whenever it was departed from the objects of legislation were specifically named; and now, when gentlemen are for violating this general intention and making it act on a case emphatically internal, we had a right to confine them to rigid construction.

The clause giving to Congress power to "regulate commerce between the States," to make "all needful rules and regulations respecting the territory of the United States," and the ninth section of the first article, declaring that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808," have all been cited and relied on by different gentlemen, as forming the source of the disputed power. Each of these clauses has been presented in every way which ingenuity could devise, to maintain the power. He said he would not distress the Committee by again entering into an examination of the true meaning of these parts of the Constitution; this subject had been so amply discussed, and he considered every argument drawn from these sources so completely overthrown, that respect for his own feelings would not permit him again to enter into it. But they were susceptible of an answer, which he would now proceed to give; an answer conceding, for the moment, the construction which was improperly given, but denying every inference which was drawn from it.

All these clauses give to Congress a legislative power; and it must be executed in the usual way, by a direct act of legislation, by an act of Congress. The first section of the Constitution declares, that "all legislative powers herein granted are vested in a Congress of the United States." These powers must be executed directly by the body in whom they are vested. They cannot be executed by a compact, the very essence of which is, that one party shall not be released from its obligations but with the assent of the other. A power to regulate "trade between the States" is to be exercised at the discretion of Congress, and in such a way that Congress can at any time resume its powers, may modify the law, or repeal it. Congress can in no way so dispose of a legislative power vested in it, as to lose that control over the subject which the Constitution intended to vest in that body, and no other. The nature of a compact is inconsistent with that continuing control. Here, it is proposed that Congress shall execute its power to "prevent migration, or to make needful rules and regulations concerning the territory of the United States," not by direct legislation, but by a law declaring that the people of Missouri shall be admitted into the Union, if they will execute those clauses of the Constitution.

The powers of Congress are to be executed by Congress only; they are not susceptible of delegation. The whole burden of judging of the time and manner of executing them, is submitted to us, and cannot be surrendered; it is a right or duty delegated to Congress and is not capable of farther transmission. That member of the ninth section which authorizes Congress to prohibit the importation of slaves, has been executed in the ordinary way; no one doubted the power of Congress to pass the law and no one can doubt their power to repeal it. But now you urge us to execute the other member of the section, relating to migration, in a way which renders it impossible to resume the power. If this restriction is passed, the result will then be, that there are important legislative powers which depend for their execution, not on the will of Congress, but on the people of Missouri. He would say nothing of the Constitutional difficulty of executing these high powers, in reference to one State only, while with regard to the rest of the Union they were suspended. But, if the clauses referred to really bore the sense contended for, and gave the power to act on the subject, why do not gentlemen themselves prefer the simple mode of an act of Congress? If they have the power of preventing slaves from going from Virginia to Missouri, why do they not execute it in the usual way? This unnecessary resort to a circuitous and doubtful mode would justify our votes against it. But in truth all these clauses combined give them no power to act at all on the subject; as, he thought, had been completely shown by the gentlemen who had preceded him. He had forbore to examine the operation of these clauses, because he was unwilling to follow so implicitly the track of others, and he thought the answer which he had given to this part of the argument of his adversaries equally decisive and more despatchful.

The clause declaring that "Congress may admit new States into this Union" is the only one which he thought deserved consideration. It has been vehemently contended, that a right to "admit new States" included a power to impose any conditions, and in all things to regulate the manner of admission. The true construction, he thought, gave to Congress a power to "admit," or to reject only; that when this was done, the power was executed. It was not, however, necessary for him to contend that Congress could impose no conditions or terms, which were merely to regulate the time or manner of admission; it was sufficient for him to show that the condition now before the Committee could not be imposed. The sequel of his argument might show that none could be imposed. It was his purpose to show, that Congress now demanded of Missouri to surrender an essential attribute of sovereignty; one, which every State in the Union (except those on which the like usurpation had been practised) possessed; and one, which, if relinquished, degraded her below the character of a "State," the only character in which by the terms of the Constitution she could be admitted. The section gave an authority to admit new States only. He should not refer to any book on public law for a definition of the word; it had in our

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Constitution a technical, well known meaning, which was ascertained by reference to the other States. In the first place, every State in this Union had within itself a capacity for altering or reforming its internal government, whenever it thought proper; and, secondly, the sovereign powers of the people have been surrendered in two ways only, viz: by their State constitutions, and the Federal Constitution. If this restriction be imposed the people of Missouri will have a government essentially different from a "State," in both these respects. It will be recollected, that it is the irrevocable nature of the condition to be imposed, which gives the real character to it, and it was to that feature that his objections were now addressed. It takes from Missouri that full power to alter its State government, which all the States possess. The Declaration of Independence, which gave birth to our political existence, recognises this right, and, in the strong language of its author, says "it is the right of the people to alter or abolish their government;" a right, which Mr. Madison in one of the numbers of the *Federalist*, calls "a transcendent and precious right." This power of altering the State constitution is not only possessed, but the utmost care has been shown in declaring it, in all the bills of rights which accompany them. The constitution of Massachusetts declares that the people alone "have an incontestable, indefeasible, and inalienable right to institute government, and to reform, alter, or totally change the same." These are only declarations of what is inseparably connected with each State government; a capacity of reforming itself in every respect, where it is not restricted by the Federal Constitution. He considered this right so essential, that its abandonment by the people of Missouri would constitute a fatal distinction between their government and a "State." The result of this view was, that, as soon as the clause was inserted in any constitution, which was irrevocable or unalterable by the people for whom it was established, that the Government was so radically different from any member of this Union, that it could not be a State in the Constitutional sense of the word.

If this restriction be admitted, another essential difference will be created between the proposed form of government and any other in the Confederacy. The sovereign power of these people will be subject, not only to the limitations which are placed on that of the people of the other States, in their State and Federal Constitutions, but there will be a portion surrendered in a way perfectly anomalous, by virtue of an act of Congress. For, although it is proposed that the restriction shall be placed in the State constitution, still it is the law of Congress which gives all the efficacy to it, by declaring that it shall be irrevocable. And, pursuing this idea, it may be observed, that all the people of the United States have reserved a mode of changing their forms of government by the ways proposed either in their State or Federal Constitutions; while, if this amendment succeeds, there would be an article in this new constitution which would not be amendable at all; or, if at all, by a mode so ludicrous that the advocates of re-

striction have not mentioned it; it could only be done by repealing the act of Congress which required it. The idea of making the continuance of any article in a State constitution dependent on the continuance or repeal of a law of Congress, is not only ludicrous but mischievous.

If this restriction is imposed, the new government will differ from the "States" of the Union in these important features; it will have a part of its constitution unalterable by the people for whom it is made; the sovereignty of the people will be given up by an additional way not known to the other States; a part of its constitution will be entirely unchangeable, or, if it can be changed, it can be done only by the consent of Congress; and it will have given to Congress a local interference denied by all the States. With these important distinctions, all degrading her below the dignity of a "State," he contended that she could no longer support her claims to that character. In books on public law, France and Denmark are States, but in our Constitution they are not. He said, it was apparent that he did not intend to give a definition of the word "State," or to require a conformity between the constitutions of all, but the position which he had laid down was, that no government in our Union could be a "State" which had given up the power of reforming its constitution in any of its parts, and which was bound to the Union in any other way than by the Federal Constitution. Mr. A. said, that it was not his intention to give a definition of a republic, but if Mr. Hamilton, in the *Federalist*, had not been grossly wrong in stating that clause in the Constitution, declaring that Congress should guaranty to every State in the Union a republican form of government, it would well support his position.

At the Declaration of Independence, all the States were left perfectly equal and sovereign. When the Articles of Confederation were formed, they were still equal and sovereign, too, except so far as powers had been surrendered in those articles. When these articles were dissolved by the Federal Constitution, they were still equal and sovereign in every respect, where powers were not surrendered by that instrument. Then, when another State is admitted, she must be equal and alike sovereign; otherwise, she is no fit associate for the confederates of this Union. To say that the people of the different States have given in their different forms of government very unequal portions of the sovereign power, cannot affect the argument. It is the capacity either to give this power, or to withhold, or to resume it, which constitutes their equality.

It has been urged, that inasmuch as Congress would, at the next session, have the undoubted right to reject the admission of Missouri if the proposed clause were omitted, or, indeed, without assigning any reason, that there can be no impropriety in now passing a law declaring the condition on which we will then admit her. This manner of presenting the case is specious, but a little attention will show that the distinction in the result is obvious. If this clause were voluntarily inserted by the people of Missouri, it would then

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be on a footing with every other part of their constitution, amendable and alterable by the same power which put it there; but if it is put there by virtue of an act of Congress, which makes it a condition of admission that it shall be irrevocable, it is placed on ground essentially different. If the constitution were now here presented to us for our approbation, with a clause declaring, in the strongest language, that there should never be involuntary servitude in the new State, the advocates of this amendment will have the frankness to tell you that it would not answer their demands. It must be inserted by virtue of a compact with Congress, by which it receives its irrevocable character—the only character in which it is acceptable to them.

The idea that Missouri may relinquish this power, and that Congress is only passive in receiving it, is entirely fallacious. Congress is perfectly the creature of the Constitution; it can neither exercise nor receive a power which is not within the instrument creating it. A capacity to receive a power is itself frequently a power of the greatest magnitude and mischief. Congress is not capable of receiving any addition to its powers but from the same source which gave them. They never can be increased or diminished, but through that instrument which now conveys them.

From this view of the subject, it may fairly be considered that, in admitting a new State, we have no authority to impose on it a condition which would take from it a right so essential to its sovereignty—the right of altering its form of State government in all its parts. But the clause which declares that the United States “shall guaranty to every State in this Union a republican form of government,” seems to fix with great precision the boundary of Congressional interference in State governments. The federal aid is not to be admitted for any other purpose. As soon as you overleap this safe boundary, there is no limit to your officious interference. You can go wherever your good or evil passions may carry you. It is in vain to say that your purpose is beneficent; the wickedest scheme or the wildest crusade would have the same apology; as soon as the principle is established that one condition may be imposed, it is the inevitable consequence that any other condition may be imposed. Gentlemen have been too candid to attempt to draw a distinction. The same power which would enable us to declare that Missouri should not be admitted except on the condition of excluding slavery, would authorize us to demand a condition of Maine, that she should pass no law excluding it. And as it regards the situation of those unfortunate people, for whose benefit this amendment was introduced, he had no doubt that it would be much better, not only if the new State in the North, but all the States of the Union, would admit those now in the United States to be dispersed through them. The principle which justifies us in imposing a single article would justify us in draughting a constitution at full length, and declaring that the people of Missouri should be admitted on adopting that, and no other. But

we should not be restricted even to those subjects which are usually introduced into forms of government. Every object of internal economy would be open to our direction; the influence of the Southern States might demand, before admission should be given, that the new State should assent to a stipulation that cotton should never be cultivated within its territories; the Western States might stipulate for an exclusion of their staples from all culture in Missouri; while the North might require that she should abandon manufactures. These would all be convenient things. It would be highly desirable to the cupidity of the old States that the immense region to the west of the Mississippi should ever be kept under restrictions, which would disable her from coming into competition with us in any of those articles which her climate and soil would abundantly produce. And it cannot be doubted that the spirit of monopoly will indulge itself wherever it has the power. If the principle of Congressional interference be once established, the rights of the people of the Territories will be just such as the wantonness of a power without limits, in prescribing their constitutions, may think proper to leave them.

The 10th section of the 1st article of the Constitution says that “no State shall, *without the consent of Congress*, lay a duty or impost on imports or exports.” The same provision also applies to duties on tonnage. Every argument which has been urged in favor of this restriction would go to justify Congress in annexing any condition or terms to the grant of its “consent” in these cases. The mischiefs of this construction become more manifest as we multiply the clauses to which this kind of interpretation would apply. If Congress can make this clause the mean of exacting from a State the relinquishment of any privilege or right, there is no limit to the control which she may acquire. Congress, like other political bodies, has a continued proneness to the increase of its powers; and so long as the States have any thing to relinquish, may these means of acquisition be employed. And it is not on new States only that this engine may be exerted. In the cases just mentioned, we may give our consent, on the condition that the State will ingraft on her constitution an amendment declaring that the people shall not bear arms, except those furnished by the United States; that not more than twenty shall assemble to petition for a redress of grievances, or that they shall not do any other thing which might be deemed troublesome or inconvenient to Congress.

But the doctrine can be carried further, and applied to every law passed by Congress. Petitions, almost without number, are now on your table, praying for a protection to manufacturers. Such is the importance attached to this subject, that, in some of the manufacturing States, almost any privilege or right would, under the present state of despondency, be surrendered to give success to their prayers. Shall we say to the people of Massachusetts: “We believe your prayers are reasonable, but we know your necessities would compel you to surrender whatever we demand, and as we have a power to reject them, we will pass

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'the law imposing a duty which will place your manufacturers beyond all foreign competition; to take effect provided you will insert in your Constitution an article declaring that emigrants to your State may hereafter retain their slaves.' This is really the effect of the language held out to Missouri; for it should not be forgotten that the prayer of the people of Missouri for self-government is admitted to be perfectly reasonable; no objection is made to the population or to the extent of territory.

The consequences of this doctrine would be mischief and corruption truly without bounds; it would involve a trafficking of political power and popular rights; it would be a bartering of legislative powers for State sovereignty.

It is difficult to conjecture on what ground that branch of the proposed amendment can be supported, the effect of which is to declare free the children of the slaves now in Missouri, who shall be born after the admission. The fifth amendment to the Constitution says, that "no person shall be deprived of his property without due process of law," and that "private property shall not be taken for public use without just compensation." He thought the Committee could not, for a moment, entertain a proposition which is in direct hostility to this principle contained in every State constitution. If this was persisted in, it would be equivalent to demanding of Missouri to do that which every other State had declared could not be done.

Before he entirely dismissed this part of the subject, he would, merely for the benefit of the gentleman from Vermont, read a sentence in the constitution of that State; it expressed, in energetic language, the true doctrine on the subject of Federal interference in local concerns: "The people of this State, by their legal representatives, have the sole, inherent, and exclusive right, of governing and regulating the internal police of the same." This is an express declaration of that which was true without any declaration, not only with regard to Vermont, but to every other State.

There are other considerations connected with this subject, which must be deemed of the highest importance, so long as the solemn faith of this nation, pledged in the most solemn manner, continues to impose any obligation on its political agents. The treaty by which the United States acquired this country, declares, that "the inhabitants of the ceded Territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." This language is too plain and too strong to be mistaken. But it is urged that the treaty-making power cannot prescribe the terms on which a foreign country shall be incorporated into the Union. He would not argue that question; it was unnecessary in his view of the subject.

It was sufficient to say, that the treaty had been approved and ratified in every possible form in which its stipulations could be executed. We took the country, we hold it, and we have no intention of giving it up. Congress appropriated the money for its purchase, governments have been established in it, a part of it has been "incorporated into the Union" as an independent State. Is it possible that we can, after these things, say, that we will hold the country and enjoy all those parts of the treaty which are favorable to us, and reject that clause which secured to the inhabitants the right of free and equal government? Can we, without disgrace, keep this country, and now say, "the President and Senate had no power to make such a stipulation?" But it has been said, even in this debate, that the people of the country were no parties to the treaty; that they had no right to complain. This deserved no answer; but he would say that they had a right to complain of the violation of this, or any other article made solely for their benefit. The whole of the argument of our adversaries, on this part of the subject, amounts to this: Seventeen years ago we purchased Louisiana; Congress paid for it; the American people ratified it. We hold it; we have sold the lands and received the money, but we will not execute this article until the inhabitants will agree to do that which (we must acknowledge) was not in the contemplation of either party at the making of the treaty. Does the whole history of European diplomacy show a case of plainer and viler perfidy than this would be? In this case there is no ambiguity in the phrase which can create any apology for evasion. The article plainly contemplates not only a temporary government, "in the meantime," for the protection of the "liberty, property, and religion," of the inhabitants, but their final incorporation into the Union, on the principles of the Federal Constitution." The words "as soon as possible," show that the event of "incorporation" was not to be unnecessarily postponed.—These words contemplated the submitting to the wisdom of Congress a proper discretion of judging of the extent of population which should be required, and of the capacities of the people for self-defence. By the concession of all, every requisite of this kind is attained. No objection has been urged, and it is understood that the advocates of this amendment will all vote for the admission of the State, if they succeed in passing it. There is, then, no difficulty on the only point on which difficulty could arise.

It is not by the treaty alone that the faith of the Government has been pledged to refrain from any exaction of this kind. The ancient laws of the country permitted slavery, and if the United States, on its acquisition, had determined to change the system, the necessary laws forbidding its further introduction should then have been passed; but the course was very different. The ancient laws not only were unrepealed, but indirect assurances were given to all emigrants that this subject should forever remain untouched. By the first law establishing a Territorial government, among other provisions for the welfare of the people, it is en-

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acted "that no slave or slaves shall, directly or indirectly, be introduced into said Territory, except by a citizen of the United States, removing into said Territory for actual settlement, and being at the time of such removal bona fide owner of such slave." Here is a legal provision regulating the introduction of those slaves whose increase are, by the operation of this amendment, to be declared free. Under the influence and faith of these laws that country has been settled. The public lands have been sold to thousands who would not have purchased but under the expectation that the public faith would have been held inviolate.

It has been urged that the dispersion of slaves through the Western country would bear peculiarly hard on the non-slaveholding States, under the provisions of the Federal Constitution apportioning the representation. This is entirely fallacious. Three-fifths of the slaves must be represented wherever they may be in the United States. If the representation of Missouri is increased by their introduction, some of the Southern States must have sustained a correspondent loss. So that it is entirely indifferent to the citizens of the North whether this kind of population be stationary or removable. The removal of slaves may have some little effect during the interval between two general enumerations; but that is also the case as it regards the whites. The individuals who now compose the constituents of the members from Indiana and Illinois, were at the last census enumerated in Connecticut and the other Northern States, and aided in giving to those States that portion of representation which they now have. This inconvenience will be corrected at the next census, and it has never heretofore formed any objection to the admission of new States.

Means have been used to aggravate the alleged hardship which the federal rule for apportioning the representation was supposed to impose. It has been stated in a speech delivered during the last session, a printed report of which I have read, [Mr. KING's] that "this inequality in the apportionment of representatives was not misunderstood at the adoption of the Constitution; but as no one anticipated the fact, that the whole of the revenue of the United States would be derived from indirect taxes, but it was believed that a part of the contribution to the common treasury would be apportioned among the States by the rule for the apportionment of representatives, the States in which slavery is prohibited, ultimately, though reluctantly, acquiesced in the disproportionate number of representatives and electors that was secured to the slaveholding States. The concession was at the time believed to be a good one, and has proved to have been the greatest which was made to secure the adoption of the Constitution." This statement has remained uncontradicted, and it was for that reason that he now mentioned it. It is manifest to you, said Mr. A., that I can have no personal knowledge of the transactions of that day, and if the contradiction was to depend on my recollection, I should not venture to make it against authority so high; but the statement is wholly erroneous. The evidences

in my hand show that the Constitution was not adopted by the Northern States, under the expectation that direct taxes would be frequently resorted to for supplying the public treasury; that neither such an expectation nor such a wish existed. The convention of the State of New York, which was called for the purpose of considering the Constitution, did, after its ratification, in the most solemn manner, recommend amendments to the adoption of the other States. The third amendment recommended is, "That Congress do not lay direct taxes, but when the moneys arising from the impost and excise shall be insufficient for the public exigencies," &c. The States of Massachusetts, Rhode Island, and New Hampshire, did each, in their several conventions, recommend the same amendment. There was then no expectation defeated: the operation of the Constitution was fully seen and anticipated. So far were these Northern States from considering a frequent resort to direct taxes as the equivalent given to them for the mode of apportioning the representation, that their members were required to procure the amendment taking from Congress the power of imposing direct taxes, except in cases of public exigency. Nothing is more highly calculated to exasperate the people of the Northern States than the existence of a belief that the provisions of the Constitution were at its adoption onerous to them, or are becoming so by the practice under it. He had, therefore, thought proper to present to the Committee these evidences of the public sentiment at that time, and to show from them that the provision which is now represented as forming the strongest recommendation to the adoption of the Constitution, was really one of the most obnoxious.

The Committee rose, on motion of Mr. PINDALL, of Virginia; and the House adjourned.

SATURDAY, February 12.

The bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island," was read twice, and referred to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, covering a report and sundry statements, rendered in obedience to a resolution of this House of the 28th ultimo, in relation to the fiscal concerns of the General Post Office; which was ordered to lie on the table.

DISTRICT OF COLUMBIA.

Mr. SMITH, of New Jersey, submitted the following resolutions, viz:

Resolved, That, to enable the inhabitants of the District of Columbia to determine whether it will be for their benefit that the rights of self-government be extended to them, so far as the same may constitutionally be done; and to enable them, if they be of such opinion, to form a frame of government for themselves, subject to the ratification of Congress,—a convention of representatives of said District be, and is hereby, authorized.

Resolved, That the said convention shall be com-

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posed of twelve representatives for the City of Washington, and that part of the county of Washington east of Rock Creek; of eight representatives for the town of Georgetown, and that part of the said county west of Rock Creek; and of nine representatives for the town and county of Alexandria. The said representatives to be free white taxable males, above the age of twenty-one years, who shall be chosen by ballot, by the free white taxable males above the age of twenty-one years, on the first Tuesday in July next, under the superintendence of such judges, at such place in each of the said towns, and subject to such other directions, as the President of the United States may prescribe.

Resolved, That the persons so chosen shall convene at the City of Washington, in such place as shall be fixed by the President of the United States, on the first Tuesday in September ensuing; and shall organize themselves by the appointment of a president, secretary, and such other officers as may be necessary. A majority of the members shall constitute a quorum; and their proceedings shall be communicated to the President of the United States, to be laid by him before Congress, at their next session.

Some conversation took place between the mover and Messrs. COBB and STROTHER, as to the committee to which it would be most proper to refer the resolutions. A motion by Mr. STROTHER to lay them on the table was lost; and they were, on motion of Mr. COBB, referred to the Committee on the Judiciary.

THE MISSOURI BILL.

The House then resolved itself into a Committee of the Whole on this bill. The proposed restriction being still under consideration—

Mr. PINDALL, of Virginia, said, gentlemen who insisted to impose this restriction on Missouri had not asserted the existence of any supreme, fundamental, or national law of this continent which would of itself inhibit slavery in the new States. No one had contended that the Constitution of the United States contained any precept precluding the admission of slaveholding States, but the position so eagerly urged was, that, although the Federal Constitution did not inhibit slavery, yet it vested in Congress such powers as enabled that body to exercise the discretion of requiring the insertion of such a provision in the constitution of a new State. The question, continued Mr. P., then is, not whether there be a fundamental principle or supreme law inhibiting slavery, but whether there is in this country a tribunal or legislative council having a discretion superior to the power of the people when assembled in convention. That this is the posture in which the question presents itself, is evident, for that portion of the State Constitution which you now propose to make for Missouri, has not been assented to, and probably would not be assented to, by the people of Missouri, nor have the people of the United States assented to the proposal, or ever had an opportunity of listening to it in convention.

The Federal Constitution is a national, or rather international compact, in which the relations of sovereignty between the respective States and between those States and the General Government are prescribed, adjusted, and limited. If gentle-

men object to this description of the Constitution, they are requested to furnish their own definition of the instrument, which I trust will afford the conclusion which I am in quest of. Yielding me this description of the Constitution, it will follow that a change in the relations thus established and defined between the States and this Government, necessarily involves an alteration of the Federal Constitution. The positive and express requisition on the part of Congress, of a particular provision in the Constitution of Missouri, to remain irrevocable by that State and the people thereof, unless by the concurrence of this Government, must seek an alteration or amendment of the Federal Constitution, inasmuch as it would, by the introduction of a new fundamental principle, alter and vary those relations between the States, and between the States and this Government, which had been previously adjusted and ascertained by the great federal compact; and that such alteration cannot have place merely by an act of Congress, is manifested by the Constitution, which has required a more difficult process of amendment. Gentlemen who support this restriction derive their title to interfere, from the power to admit new States on discretionary conditions; and the Federal Constitution being here again silent, they deduce their authority to annex such conditions, through the avenue of inferences from some other delegated power. They have been reminded that it was illicit to infer any power which, when assumed, would remain destitute of limitations, as the whole design of the instrument might, by such means, be subverted, and they have sought to meet the suggestion by announcing supposed boundaries to their favorite power. These boundaries, however, are the mere dictates of ordinary prudence, and to be supported only by the discretion and good sense of Congress; boundaries equally applicable to the powers of unlimited discretion; as different in their exercise as the moral sentiments or affections of men differ, and the property as well of absolute monarchies as of republics.

The Convention of 1787 was not satisfied to limit the political faculties of this Government to dimensions which our own prudence should suggest, but afforded limitations of equal force and authenticity with the delegation of powers, and, as it has professed so to do in all cases, I can admit of no inference of power in any case, unless the just extension and proportion of that power can be shown also from the Constitution. I must say to a gentleman from Pennsylvania, and others, who have dwelt so copiously on the wisdom of the Federal Legislature, and the safety of the country in relying on its discretion, that I do not partake in their confidence; but, on the contrary, my diffidence, nay, distrust, increases in proportion to the eager solicitude of gentlemen from one half of the Union, to legislate on subjects in which neither themselves nor their constituents have any interest or concern, and on which the country must of course be destitute of the common pledges for the rectitude of our deliberation.

Gentlemen have found it necessary to impose a heavy emphasis on the power of Congress to ad-

mit new States into the Union, which, implying the power to refuse such admission, clothes that body, it is said, with an authority to prescribe the condition on which a State shall be admitted. This, however, is an error which, notwithstanding its plausible aspect, can be readily refuted by comparing this grant of authority with the structure of the Federal Government; preparatory to which it is scarcely necessary to remark, that the faculties of Congress, arising from the Constitution, are so governed by the nature of the objects on which they are to operate, that the rules of interpretation as respects one of our grants of power, may have no application in relation to another; for, whilst under one grant of power we are launched into a wide field of legislation, bridled only by self prudence, another delegation (such, for instance, as we exercise in counting the votes of the Presidential electoral college,) confines us to the narrow path of duty usually confided to mere ministerial agents. If our legislative acts may, in some cases, be made to depend for their efficacy on arbitrary conditions, it will not from hence follow that all the capacities of the Constitution could be thus handled. We may declare war, or impose taxes, accompanied with such modifications as we please; and Government, in making a compact with a foreign Power, may stipulate its conditions and terms, without which, indeed, it would be no compact; but, in admitting new States into the Union, we have no authority, nor is it necessary we should have power to stipulate conditions; for, the people of the United States, whose servants we are, and in whose right we act, have themselves stipulated the conditions and terms of the compact; for, in all the articles of the Federal Constitution are found a full and fair designation of the rights acquired and obligations incurred by the adopted State. That instrument or treaty distinctly expresses the mutual advantages and duties which are to subsist between the adopted State and the old States and the Federal Government. The people of the old States have made a contract of limited partnership; they have also conferred on us a special power to admit (in our discretion, if you please,) additional partners into the firm under the old compact, but have not authorized us to change the contract itself, or substitute a new one in its place.

I shall not insist that Congress can prescribe no sort of condition, under any circumstances whatever, on the admission of a new State, but ground myself on positions which entitle me to warn my adversaries that, even if they show a right to propose or require one condition, they will not have established their title to impose conditions of a different import. If gentlemen will assert our right to require the previous payment of a sum of money by Missouri, as the price of her admission, in like manner as a bonus was paid by the Bank of the United States, I might yield to the claim; by which, however, they would gain nothing in this contest, for, after Missouri would pay the money and be inducted into the Union, she would immediately acquire all the political rights claimed by any other State. Impose (if you please)

conditions without which Missouri shall not be admitted, but you shall not impose conditions which would deprive her, after her admission, of portions of her sovereignty, which the Federal Constitution guaranties or tolerates, nor shall you, in any wise, change those relations of sovereignty which the Constitution supposes ought to exist between the States and this Government, as you would thereby, in effect, substitute a new constitution, in lieu of that already sanctioned by the people.

A gentleman from Pennsylvania (Mr. HEMPHILL) says, the power to impose this restriction on Missouri exists either in Congress or nowhere; a proposition which can have no utility in this discussion, until such power can be proved to exist of necessity somewhere, and that it is not possessed by the people of Missouri, to the exclusion of others. If, however, the people of Missouri are divested of the capacity, the advocates of this Government must show, by the Constitution, that the power has ever yet been separated from that reservoir of sovereignty which the people and States of this continent have not as yet alienated to Congress.

Another gentleman from Pennsylvania supports the restriction by the bold assumption that any American State has capacity to transfer, and the Government of the United States to acquire, sovereignty by compact. It will hardly seem necessary to inquire into the rights which the States would have possessed under the laws of nations, apart from existing compacts, nor again repeat what I have already urged to show that the pre-existent capacities to alienate or acquire sovereign powers ought to be, and are, regulated and restrained in this country, so far as respects this Government, by the Federal Constitution. I must, however, notice the precedents which constitute the only ground on which the gentleman relies to support the capacity of the United States to buy, and of any State to sell sovereign power; and these precedents are found, the gentleman affirms, in the cessions of territory made by Virginia, Georgia, and other States, to Congress, the validity of which has never been questioned. But these, sir, are not instances in which these States have transferred their sovereignty, or portions of it. It is true that a territory which belonged to Virginia was transferred to, and became the territory of, the United States. The territory was once the object of the supreme power of Virginia, and by the cession it has become the proper object of the sovereignty of the United States. Virginia only alienated one of the objects of sovereignty, retaining, after that transfer, every attribute and capacity of supremacy which she before had. A tract of country, or pecuniary treasure, may, either of them, be transferred from one Government to another, and be thus alienated, being at one time a subject disposable by one sovereign, and again, by transfer, the property of another, without increasing or diminishing the faculties of either. If, however, the gentleman is tenacious of terms, and insists that these cessions of territory shall be denominated alienations of sovereignty by the ceding States to the General Government, there can be no harm in

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yielding to his wish, but I should, thereby, immediately become entitled to give the proposed restriction on Missouri another name; there would then be no analogy between those cessions and the restriction. The restriction would deprive Missouri, in all future time, of exercising sovereign power in her own territory on the subject of slavery, without the consent and concurrence of the Government of the United States; hence, the new State would, with regard to this topic, be dependent on the Federal Government, and, in relation to the faculties of her government, be less sovereign in proportion to the additional power acquired by us. I will here pursue the example afforded by the gentleman from Pennsylvania himself, who has sought to illustrate his meaning by reference to the treaties of independent nations. Spain, having ceded a province or colony to Great Britain, remains thereafter sovereign and independent, as before, to which the cessions from Georgia and Virginia may be deemed analogous. But, imagine that Spain, in conformity to another compact with Great Britain, passes a prohibitory law, to operate on Spanish subjects; binds herself that she will not repeal the law; and submits that Great Britain may, by British civil officers and military force, carry this prohibition into full effect, in all future time, in the Spanish dominion—here would be a diminution of sovereignty proportionate to the correspondent right acquired by Great Britain; an acquisition of a portion of supreme power on one side, and a correspondent dependence on the other, to which the proposed restriction on Missouri has a striking analogy. I indulge in these remarks in imitation of the gentleman from Pennsylvania, and to prove that his materials of argument may be made to war with his restriction—yet I deny the legitimacy of those materials. The notion which presents to our view the Congress and one of our States negotiating and contracting for the surrender and acquisition of sovereign powers, is too attenuated, and cannot be made to comport with American polity, or the genius of our political institutions. How is it? We are invited to shut our eyes against the Federal Constitution and its adjustment of powers, and then imagine the Congress and the State to be two independent powers, treating each with the other for the acquisition or surrender of important rights and interests. There is nothing which appears so very disgusting in this, whilst we keep our eyes shut, for, the ordinary obligations of a treaty only *operating on the good faith of the parties*, there would seem to be in this no surrender of sovereignty. But, when the treaty is ratified, our eyes are to be opened on the Constitution, which makes the acts and treaties the supreme law of the land, and gives to one only of the parties a judiciary and other civil officers, (backed by military force,) and a complete municipal authority to carve out its own measures.

The State then finds that it has not merely pledged its faith, retaining its previous powers and self-command, but submitted itself to the municipal superiority of Congress, and, should a difference arise in regard to the interpretation or execution of any article of the treaty, there would be no

recurrences to a closing of eyes against the Constitution, or imagination of negotiation between foreign or independent Powers, but the one party would hang or outlaw the other for treason. Again; the Constitution is kept aside to place Congress and a State in the attitude of making treaties as foreign, independent Powers; then replace the Constitution, and the State finds itself reduced to the condition of the Indian tribes who are prohibited from selling their lands to any but the Government, because the State can make no treaty or compact with any other Power, but with the assent of Congress. Will gentleman who affirm the capacity of Congress to buy the sovereign power of a State, admit that it may also transfer sovereign power to a State? If Congress can only acquire, but not barter off, the powers thus obtained, they will be transferred in *mortmain*, by which the Government will frequently be aggrandized by encroaching on the States, without the possibility of losing any thing on its part. But if in these barter Congress may alienate powers to the States, it must of necessity be some of those granted by the Constitution, as it in past times had no other.

The advocates of the restriction have quoted the compact between Virginia and Kentucky, when the latter was erected into a State, which they suppose affords an instance of the capacity of a State to alienate a portion of its supreme power. A recurrence to that compact will manifest that nothing of the kind was effected or attempted. The stipulations either relate to objects which impose no municipal restraints on the supremacy of Kentucky, or are merely declaratory of a reciprocity of rights and duties which would have had place, without such declaration, either by force of the law of nations or the Federal Constitution, but were inserted from abundant caution. Thus, the lands of non-residents of Kentucky were not to be taxed higher than the lands of residents; a result which the Constitution of the United States had already virtually secured, &c. But, if I am wrong in this, I pray gentlemen to put their own interpretation on the compact between Virginia and Kentucky, and show me the aid they expect to derive from it. Let me, then, admit the compact stipulates to transfer or impair the legislative power of one of these States. This transfer, or subduction, either deranges some of the adjustments of power previously recognised by the Federal Constitution, or it does not. If its tendency be to derange the distribution of powers made by the Federal Constitution, the compact thus far, will be void. But if, on the other hand, the compact has no manner of collision with the Federal Constitution, it will be valid, and take its full effect, and be altogether severed out of the residuary powers of these States, which have not been surrendered to this Government. I would now submit this question: It being admitted that the States have a capacity, growing out of the residuary powers, whether it will hence follow that the Federal Government can, out of its delegated powers, do the same thing? I know of no middle terms to serve an affirmative conclusion.

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The argument of the gentleman from Pennsylvania, of the legitimacy of the restriction because it only prohibits Missouri from doing wrong, has been sufficiently refuted, by my colleague, (Mr. BARBOUR,) who has brought to our recollection the true character of the question; that is, whether Congress, or the people of Missouri, shall decide in relation to domestic slavery, the national Constitution not having done so? And I only advert to this head to express my surprise that the gentlemen should have adopted, as a necessary link of his views, the principle that sovereigns had no right to tolerate slavery, after he had placed his restriction on the ground of the alienation of sovereignty by the State to the United States; for, if sovereigns have no such right, by what means can they alienate what they have not?

The same gentleman infers our power to establish the restriction from the capacity which Congress possesses for its execution. Congress, he says, may agree with the people of Missouri, and hence they will assent to impose the restriction themselves. And, if they will not otherwise assent, Congress may thwart their wishes by making the Missouri river the boundary between contemplated States, and so divide or subdivide the inhabitants as will not only impose inconvenient dimensions on the new States, but cause a postponement of the time of their admission, until the population of each of such divisions may be sufficiently numerous to form a State. I acknowledge that powerful means are at the disposal of Congress, which might produce a strong impression on the fears of those who oppose our designs. Indeed, Congress, having a legislative authority over the present Territory, could adopt rigid laws and regulations, to waste the estates and persecute the persons of the obdurate and refractory; nay, we could repeal the militia system of the Territory, withdraw the frontier posts and troops, inhibit the passage of succors across the Mississippi, and thereby encourage the Osage, and other Indians, to a war which would probably bring the Missourians to a more mature consideration of the expediency of adopting our projects. These means, which partake of the character of the measure proposed by the gentleman from Pennsylvania, of splitting their Territory by inconvenient partition lines, manifest the physical, not the moral power of Congress; after the manner of the highwayman, who demonstrates to the satisfaction of his victim, his physical, but not his moral or just title to the money he designs to acquire; and much in the way of the King who prevailed with the Jewish banker to loan him his money, by exercising over him the power (appertaining to sovereignty, too) of drawing a tooth each day, until the contract of loan was ratified.

If Congress has power to impose the restriction, it must first be derived from the legislative powers of the Constitution; or, secondly, it must be acquired by the capacity of this Government to make a compact for that object with Missouri. Those who assent to the first, or legislative power, have relied greatly on the clause which inhibits Congress from preventing the migration or importa-

tion of such persons as the States may think proper to admit previous to the year 1818, which they suppose implies a right in Congress to prohibit the migration from State to State after that epoch. Before I submit my own views in relation to this clause of the Constitution, permit me to make a remark in corroboration of the opinions of the gentleman from Georgia, (Mr. REIN,) and other non-restrictionists, who contend that the word *migration* was inserted in the Constitution from abundant caution, lest the word *importation* should not imply a full and effectual authority sought to be invested in Congress to prohibit the bringing in slaves from foreign countries, under all circumstances.

Every act of Congress, passed since the adoption of the Government, to discourage or prohibit the foreign slave trade, has used terms of prohibition additional to, and rather broader than, simple *importation*; in proof of which I refer you to the acts of 22d March, 1794; 10th May, 1800; 28th February, 1803; 2d March, 1807; and some amendatory laws, of later dates. Without pretending to say whether a mere authority to inhibit the importation of slaves would have comprehended the prohibition of all the various modes by which the introduction of slaves might be effected, I would merely remark that there can be nothing strange in believing that the Convention, in its solicitude to prohibit the foreign trade, might have deemed it prudent to employ the word *migration* in addition to *importation*; as successive legislative bodies, who certainly only intended to prohibit the foreign trade, have adopted a similar method of expression. And, although our construction would, on a critical scrutiny, convict this portion of the Constitution of tautology, that of itself would not invalidate the interpretation; for the Convention may have deemed it better to risk such imputation than a defeat or evasion of the legislative powers of Congress. Indeed, the Constitution abounds in tautological terms, instances of which are seen in the declarations that no State shall lay any imposts or duties on imports; and that no State shall make any agreement or compact, &c.

I will beg leave to submit the view of this migration or importation clause, which has prevailed in my mind. That this clause, which only prohibits Congress from the exercise of a branch of its power until 1808, does not in itself confer any power on Congress, is yielded by all; and, on the other hand, I admit that the temporary prohibition affords evidence that the Constitution contains a Congressional power after 1808, correspondent to the prohibition. The admission I make is of the *existence* of such power after 1808; but the *extent* and more precise limitations of that power are different considerations, and must be sought after in some other place; for, if you would make the exceptions or temporary prohibitions of the Constitution not only presumptions of the *existence*, but evidence of the *extent*, of correspondent powers, where such exception fails to operate, the Constitution would be totally perverted, and the whole attitude of the Government become inverted. Would you infer from the prohibition to pass ex

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post facto laws, that Congress can pass prospective laws in all cases whatsoever; or from the prohibition to pass bills of attainder, a power to pass all laws of a general nature to punish crimes; or from the prohibition of trial for capital offences, except by indictment, that this Government can, by indictment, punish all manner of offences? Or would you not rather consider these inhibitions as evidence of the mere *existence* of correspondent powers, for the *extent* of which it was necessary to refer to some other parts of the Constitution, in which the powers were granted? The Convention of New York, in adopting the Federal Constitution, accompanied the ratification with some express declarations; one of which was, "that those clauses in the said Constitution which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution." Similar declarations were made by the conventions of other States. I am, therefore, authorized to require gentlemen who pretend that the migration and importation clause is not satisfied by reference to the power of Congress over the foreign slave trade, to produce some other portion of the Constitution conferring a more extensive authority.

I will now go in quest of the grants of power to which I suppose this temporary prohibition has an allusion; thence to enable us to ascertain whether those delegations are so comprehensive as to include the proposed restriction on Missouri. We all yield to the power of Congress to prohibit the importation of foreign slaves, and that the temporary prohibition has a relation to that power. I must, therefore, seek for that power, and examine whether it be broad enough to include other and different objects. That the power to regulate commerce is not the one which authorizes the prohibition of the slave trade has been amply and copiously proved by my colleague, (Mr. BARBOUR,) and other gentlemen. But Congress has power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations. This delegation at once yields to Congress the power which every State previously possessed, of not only punishing, but defining the offences of its citizens committed in foreign places and on the ocean; for, with regard to such conduct of a citizen as is exempt from municipal power within the State, its character will depend on the definitions and punishments prescribed by Congress. Congress may consider the slave trade as offensive against the laws of nations, or merely as offensive against the natural rights of others, and proceed to define and punish such offence. Congress, in prohibiting the slave trade, has always drawn on its power to define and punish crimes and offences abroad, and occurring in international intercourse. Accordingly the acts of 1794, 1800, 1807, and other laws on this subject, abound throughout with directions concerning libels, prizes, indictments, definitions of offences, penalties and imprisonment. These acts are all

warranted by that clause of the Constitution, and to strike out that clause would leave every of them unsupported by authority. Indeed, Congress has hitherto, with accuracy and precision, confined itself to the limitations dictated by that clause; for, in prohibiting the importation of slaves into the Mississippi and Louisiana Territories, the acts confine the offence to foreign importations, and to slaves which might have been imported in violation of the laws of the States. No one, however, will pretend that the power to define and punish offences in the intercourse with foreign nations on the high seas, or against the law of nations, could authorize the prohibition of carrying slaves from one State to another, much less to prohibit the Legislature of a State from tolerating slavery within its limits.

In consequence of the solemn decisions of the national Judiciary, it has become a settled principle of the Constitution, that the powers granted by Congress cannot be exercised by the States whenever such concurrent exertion of authority could by any possibility lead to collision between the Federal and State laws. If, then, Congress has the power to prohibit the migration of slaves from State to State, the State Legislatures must be destitute of that power—a consequence of which would be, that all the present and past State laws prohibiting the introduction of slaves from other States would be null; the great number of slaves hitherto liberated under those laws, and their descendants, would return to bondage, and the Southern slaveholder be now entitled to remove with and hold his slaves in Pennsylvania, New York, and the Eastern States.

I have already submitted some remarks, but not all that have occurred to me, in relation to the supposed capacity of Congress to prohibit slavery by a compact with Missouri. I have not intended to adhere tenaciously to method in this discussion, because the superior ability with which other gentlemen have illustrated some of the topics involved has rendered such a course unnecessary on my part. This alleged capacity of compact must, in my opinion, be unavailing to our opponents, even if conferred on the Government; for a compact derives its force from the mutual assent of the parties; and Missouri will not consent to make the contract, nor can you refuse to admit her into the Union until she shall become willing, because the treaty of cession in Louisiana (as I shall presently endeavor to show) obliges this Government in good faith to admit Missouri.

It is proposed to negotiate a compact or treaty with Missouri to insert an irrevocable inhibition against slavery in her constitution. This House is then made to partake with the President and Senate in the treaty-making power. Be it so. The convention of New York, which ratified the Federal Constitution, declared that *no treaty should be construed so to operate as to alter the constitution of any State*; but the delegation from that State seem now to perceive that a treaty which can effect no sort of alteration of an old constitution may make a new one. The proposed stipulation with Missouri would dislocate the tenth article of the

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amendments to the Constitution, which declares that the powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This power in relation to domestic slavery would not remain or be reserved to the State or people of Missouri, but would be withheld from them by this Government. As the restriction or compact with Missouri would grow out of an act of Congress, and as all acts of Congress are objects of cognizance by the Federal Judiciary, this Government, through its Executive and Judiciary departments, would succeed to a sort of anomalous and invidious authority in the domestic concerns of the new State, unlike what is found in all the other States, and contrary to any conception which could have been entertained by the framers of the Confederacy. The authors of the Federalist, in expounding the Constitution to the American people, and persuading them to its ratification, urged that no apprehension should be entertained of tyranny, or abuse of power, from the General Government, inasmuch as the powers reserved to the States over the lives, liberty, and property of the people, would insure to the States a weight and influence sufficient to check, and frequently control the operations of the Federal Government. But what becomes of the balances of public security, (I ask you,) if Congress be permitted to obliterate the great lines of demarcation established by the Constitution by buying in first one and then another of the reserved rights of the States? By such means a few years hence might present us a confederacy between this Government and the new Western States very different in its character and import from the constitution of the old thirteen States, and probably dangerous to their safety, as it would comprehend interests in which they could have no participation.

The treaty of the 30th of April, 1803, by which France ceded Louisiana to the United States, imposes an express obligation on this Government to admit the inhabitants of the ceded country into the Federal Union as soon as possible. The gentleman from New York (Mr. TAYLOR) has surprised us with an avowal that the Government was not, and never would be, bound to admit Missouri into the Union, as a State, and that the requisition of the treaty would be discharged by merely suffering that country to remain appended by a Territorial government. The terms of the treaty are, however, too palpable to admit of hesitation; they provide both for the protection of the country, as a territory, and for the admission of the same afterwards, as a State or States; the third article providing that the inhabitants shall be incorporated in the union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States, and, in the mean time, they shall be protected, &c. It being not an act of Congress, but the Federal Constitution, which is to govern the admission, and it only providing for the admission of new States, the admission as a State or States must have been in-

tended. Permit me to ask the gentleman what is meant by the protection to be afforded in the mean time, or what that mean time is?

It evidently relates to the territorial condition of Louisiana before it becomes possible, as the treaty expresses it, to admit her as a free State. The treaty binds us to a mere temporary protection of the people, and releases us from further protection after their admission into the Union, because, when a free State, they could protect themselves. In truth, the treaty only contemplated to transfer to us, permanently, that qualified allegiance of the people, which is due from the inhabitants of the old States to the Federal Government, although I will not deny the authority resulting of necessity, and recognised by the treaty, to establish a temporary provisional government in the territory, until it should become possible to admit the territory as States. Mark the treaty: The people of the ceded territory are to be admitted to all the immunities of citizens of the United States. Immunities are exemptions and freedom from authority, power, or burdens, and universally so understood. It has always had that signification in charters and public writings, in relation to the church and the colonies, and has sustained its original meaning ever since its use in the charter of Henry the Third, to the city of London, and how much earlier I cannot say. If, therefore, the citizens of the old States are entitled to an exemption from the interference of this Government, saving only as to the powers derived from the Constitution, and if, also, the inhabitants west of the Mississippi are entitled to the same immunities, they must be entitled to govern themselves as an American State. The gentleman from New York assumes a tone towards these people, very different from that of our public authorities, when acquiring and seeking to conciliate the affections of that country. He would have them forever subject to our absolute authority, without the advantage of representation or self-government. But, Mr. Jefferson, in his public message of January 6, 1804, announcing the acquisition of Louisiana, "offers to Congress and the country his sincere congratulations on the important acquisition, so favorable to the interests, peace, and security of the nation, which added to our country territories so extensive and fertile, and to our citizens, new brethren, to partake of the blessings of freedom and self-government."

Governor Claiborne, in his first address to the people, on taking possession of the country, informed them "that the American people received them as brothers, and would hasten to extend to them a participation in those inestimable rights which had formed the basis of their own unexampled prosperity." Congress, by the 7th section of the act of 2d March, 1803, expressly recognises the right of the people of the territory, under the treaty of 1803, to form a constitution and State government, and to be admitted into the Union upon the footing of the original States, in all respects whatever. And yet the gentleman from New York says, their admission into the Union is an act of courtesy on our part, depending only on

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expediency, and that we are under no obligation ever to admit them.

Although gentlemen should have ability to establish the power of Congress to impose restrictions as the condition of the admission of new States, yet, as they also admit the power of Congress to admit without restriction, and as the Government has given its solemn pledge, by the treaty, to admit the people of this territory, the refusal now to admit them into the Union, unless on their performance of a condition, suggested at our pleasure, and not stipulated for in the treaty, would be a breach of faith on our part, incapable of disguise. Good faith required us to give notice of, and insert in our obligation, any condition which we intended to exact previous to a fulfilment on our part. We should then have reserved the discretion now claimed, as was done by the treaty of alliance with France, of the 6th February, 1778, providing that the northern British colonies, or islands of Bermudas, should, if conquered, be confederated with, or dependent upon, the United States; and as was also done by the treaty with the Delaware nation of Indians, of the 17th September, 1778, in which the stipulation that the Delawares and certain other tribes should form a State, and have a representation in Congress, was made to depend on the subsequent approbation of Congress.

We have long been convinced that ours is the only free country on earth; that the colonies adjacent to us are the objects of tyranny, cruelty, and oppression, at all times willing to become ours by revolt or otherwise, and that the advantage of such a connexion is incalculable to them. Let us, however, beware of the injustice to which we may be tempted by national pride. It is certain that Louisiana has been aggrandized by her connexion with the United States, but a review of her condition, previous to her change of masters, may occasion a doubt whether the old inhabitants, on whose behalf the stipulations of the treaty were inserted, were improved in their circumstances by the cession. The Spanish Government afforded the inhabitants their land, gratuitously. By the ordinance of 1793, the inhabitants of Louisiana and the Floridas were admitted to a free commerce with Europe and America. No exception as to the articles sent or to be received. Tobacco and all other articles, the introduction of which into Spain had been prohibited from other places, were allowed to be taken from these provinces. The importation of foreign rice into Spain was prohibited for the avowed purpose of encouraging its growth in Louisiana and the Floridas; all articles exported from Spain to these provinces were free of duty, and a drawback of the duties which had been paid on foreign articles was allowed. The articles exported from those provinces to Spain were free of duty, whether consumed in Spain, or re-exported to foreign countries. The same ordinance had also provided that a preference should be given to all the productions of Louisiana and the Floridas, by prohibiting their importation from foreign countries, whenever those provinces should produce sufficient quantities for the consumption of Spain. The governments of these provinces

were mild and provident, having been guided by a policy which afforded a security against Indian depredation, which had not always been the good fortune of our frontiers. I think, if this people were indeed miserable, their sufferings were not imputable to their old government. We have divorced them from their ancient associations, and given birth and encouragement in that country to new objects of emulation, by engaging to couple their destiny (in the language of Governor Claiborne) with our own unexampled prosperity, and the world must now witness with what sincerity or ill faith we are to meet the demand for a performance of our compact.

How is it, sir, that this Government attempts to prohibit slavery in the country west of the Mississippi? Our Government knew, in the acquisition of the country, that the people held slaves by a title equally legitimate with their claim to their lands and cattle. Indeed, the American Government previously well knew that species of property had met with extraordinary encouragement by the Spanish authorities; for the importation of slaves into Louisiana had been admitted free of duty, and even the exportation of silver to purchase slaves was tolerated, which regulations were known to our Government, as appears by the letter of Mr. Short, the American Minister at Madrid, to our Secretary of State, dated the first July, 1793. Also, besides the land granted to emigrants for cultivation and improvements, an additional quantity was granted to the master for every slave removed into Louisiana. The Spanish treaties with the Indian tribes had made effectual provision for the ample security of the property on the savage frontier, as is manifest by the treaties of 1784, between the Spanish authorities and the Tallapuche, Chickasaw, Choctaw, and other frontier tribes. Our Government was apprized of these treaties; our Minister at Madrid having transmitted copies of them to the Secretary of State in 1793; and, indeed, the treaty of 1795, between Spain and the United States, in the fifth article, has a recognition of, or at least reference to, those Indian treaties.

The American Government, with full knowledge of all the circumstances to which I have referred, expressly stipulated in the treaty by which it acquired Louisiana, *that the inhabitants should be maintained and protected in the free enjoyment of their property.* Yet, the amendment of the gentleman from New York aims to vanquish that property. This clause of the treaty has, in my humble opinion, been greatly maltreated in the speech delivered at the last session, in one branch of Congress, by an honorable member from one of the most populous States of the Union. It cannot be improper to have an allusion to it now, as its sentiments are not different from those espoused by the restrictionists, in support of this amendment. It was said, and is yet urged, that the stipulation to maintain and protect the inhabitants in their property, could be only applied to the slaves held by them at the date of the treaty.

This niggardly attempt to shelter our Government from the manifest import of its own obligation, and from what would have been its duty,

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without express stipulation, is too well adapted to excite a feeling in which I shall not permit myself to indulge. The inhabitants of Louisiana will naturally ask themselves how this comports with the professions of the Chief Magistrate of the Union, who, in announcing our possession of the country, congratulated the nation on the acquisition of new brethren to partake of the blessings of freedom and self-government. They must arrive at the melancholy conclusion that we consider the treaty of cession as articles of capitulation of a fallen enemy. Nor, as articles of capitulation, could we, in conscience, insist for this limited or rather mangled interpretation. Even a robber, who had received his *black mail*, or extorted revenue, on a promise that he would not deplete your property, would be disgraced among his comrades by a quibble or pretence that you were only to be safe in your property to-day, but that to-morrow was a different thing. To what condition would society be reduced if public assurances for the protection of property only applied to the property held at the instant? Every barter or exchange of property would exempt us from the protection. Children would not be entitled to the benefit of the treaty, if born after its date, and all who became inhabitants or citizens after its date would be excluded from the treaty and from the rights of citizens. Their lands are not secured otherwise than their slaves, and would therefore be subject to the same confiscation. The same interpretation, if applied to that portion of the Federal Constitution which secures private property, would only afford protection to the property held in 1787, when the Constitution was made; and, by the same rule, we must be deprived of all authority over the Territories, for the clause giving to Congress authority to make needful rules and regulations to govern and dispose of the Territories, being adopted in 1787, could not be extended to Louisiana, acquired afterwards. A free Government protects or affects the property of its citizens through the medium of its laws, and in that respect has a discretionary power to make, alter, and repeal those laws. The sovereign authority makes treaties as well as laws; and, if such treaty contains a promise to maintain and protect property, it evidently relates to the discretion of the sovereign to make laws affecting property, and includes a pledge of faith for the continuance of the laws under which property is held and protected. But, if the infraction of such treaty be designed, the sovereign authority proceeds to impair or alter the laws for the protection of property, and has no other means of violating such a treaty.

We violate the treaty of cession if we repeal the laws of Louisiana, which maintain and protect their property. France, in 1762, ceded this same province of Louisiana to Spain by a treaty, with injunctions for the protection of property; and, in proof of the sense entertained by the parties of the import of that treaty, I refer to the letter of the King of France to L'Abbadie, the commandant of the province, to deliver up the possession, and expressing the King's expectation that the magistracy would continue to administer justice accord-

ing to the laws, forms, and usages of the colony. The cession by Virginia, to Congress, of the Northwest Territory, dated March, 1784, provides that the French inhabitants, and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages, who had professed themselves citizens of Virginia, should have their property secured, and be protected in the enjoyment of their rights and liberties.

When Congress, by the ordinance of 1787, established laws for the government of the Territory, it expressed a proviso that they should not be construed to infringe on the laws affecting the property of those inhabitants. In the same cession from Virginia, there were other stipulations required on the part of Congress, in relation, too, to the mere advantage of the inhabitants of the ceded territory, in like manner as the stipulations in the cession from France contained clauses for the protection of property, and for incorporation in the Union, for the mere benefit of the inhabitants. But, when Congress became desirous to exercise a more ample discretion as to the circumstances under which the new States of the Northwest Territory should be admitted, it made application to Virginia, being the other party to the contract, for her consent, as will be seen by the resolution of the Old Congress, of July the 7th, 1786. Yet the advocates of restriction do not think of applying, either to France or the inhabitants of Louisiana, for consent to the exercise of regulations which repeal the treaty of cession. This nation, whether considered with regard to its municipal institutions, or its character arising from its diplomatic intercourse, is the last from which the world could expect a disregard of public faith, by a violation of the lawful and pre-existing relations between the people of Missouri and their slaves.

Previous to the treaty of cession, it was known to all the world that these States recognised slaves as property, and, indeed, that the political bond which knotted together their interests and energies had some of its most conspicuous features in an adjustment of its proportions to the interests or rights of slaveholders.

The first essay by this Government of its diplomatic correspondence with any European nation, after the adoption of the Constitution, is found in an effort to obtain from the British Government compensation for slaves carried off by the King's troops in evacuating the country, for which I quote the correspondence of the President of the United States with Gouverneur Morris, our confidential agent in Europe, in 1789. Our Government in 1791, through the agency of Mr. Seagrove, its public commissioner, negotiated with the Governor of East Florida to issue such proclamation and permanent orders as would prevent fugitive slaves from the United States from taking shelter in Florida; and our treaties with the bordering Indian nations have made effectual provision against the violation of property in slaves, for which, see the treaties with the Delawares, Cherokees, Chickasaws, Creeks, and other nations.

The inhabitants of Louisiana, before the cession, had acquired a great portion of their slaves from